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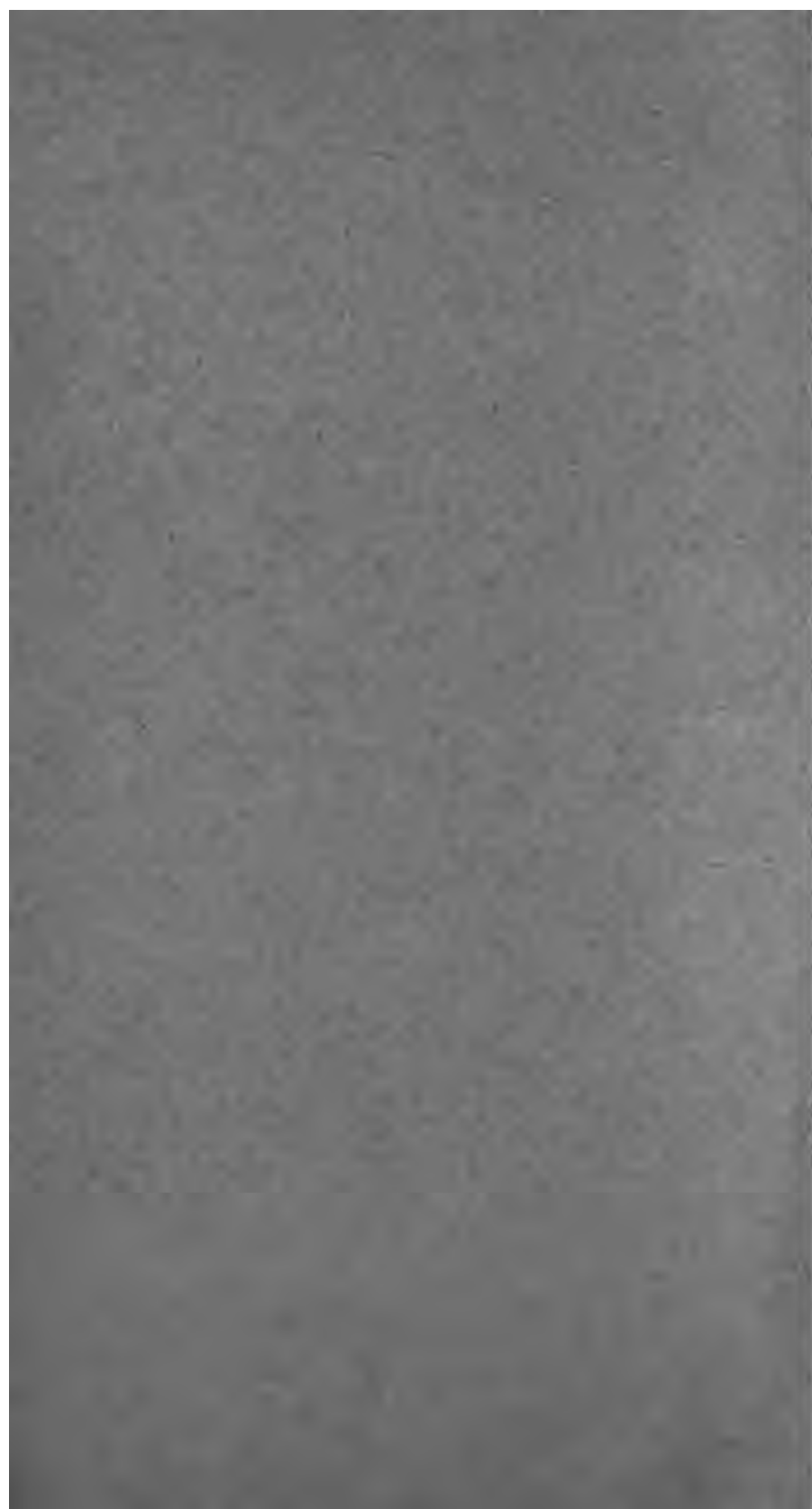
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Guatemala
BUREAU OF THE AMERICAN REPUBLICS;
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THE REPUBLIC OF
GUATEMALA
1897.

SPECIAL BULLETIN, FEBRUARY, 1897.

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General Don Jose Maria Reina Barrios.
Presidente de la Republica de Guatemala,

THE REPUBLIC OF GUATEMALA.

INTRODUCTORY.

The Republic of Guatemala, the most populated of the five nations of Central America, owes her name to a mispronunciation by the Spaniards of the Indian word *Quauhitemallan* (land covered with trees) by which her territory was designated at the time of the conquest.

Pedro de Alvarado, one of the lieutenants of Cortés, invaded the country in 1523, and in a few months secured the whole control of it. The struggle with the natives, not less heroic, and not less tarnished by acts of fiendish cruelty, than those in the rest of the new world, lasted but a few months. The sovereignty of Spain was practically established on the 25th of July, 1524, on which date it was proclaimed with great solemnity at the native town of *Almolonga* (long spring), where Alvarado established the seat of government. The name of this town was then changed into the most euphonious and thoroughly Spanish one of *Santiago de los Caballeros* (St. James of the Knights).

Guatemala remained a Spanish possession until the 15th of September, 1821, on which date she proclaimed her independence. Her last Spanish ruler was Brigadier General Don *Gavino Ainsa*.

Shortly afterwards, on the 5th of January, 1822, the new nation decided, under an Act of Annexation passed for that purpose, to become a part of the Mexican empire.

Upon the fall of Iturbide an assembly, consisting of representatives of Guatemala and the other provinces of Central America, held at Guatemala City, decided, on the 1st of July, 1823, to proclaim the independence of the whole country, both "from old Spain and from Mexico or any other nation, whether of the Old

or of the New World," and to establish a new nation under the name of "United Provinces of Central America" (*Provincias Unidas de Centro-América*).

About sixteen years later, April 17th, 1839, Guatemala seceded from this union, as the other provinces or states had done already. A decree issued by the Guatemalan Government on the date aforesaid, after reciting that "the states of Costa Rica, Honduras and Nicaragua had solemnly seceded from the federal union," and "re-assumed respectively the administration of their own governments," declared the State of Guatemala to be thenceforth a free, sovereign and independent nation.

The name of "Republic of Guatemala" (*República de Guatemala*) was given to the country by decree of March 21, 1847. Before that date the name had been "El Estado de Guatemala" (the State of Guatemala).

Guatemala is now rapidly developing her immense resources in perfect peace, under the wise provisions of the constitution promulgated in 1879, and amended successively in 1885, 1887 and 1889, and the patriotic rule of President Reina Barrios and his assistants.

CHAPTER I.

GEOGRAPHICAL FEATURES.

Situation.

The Republic of Guatemala is situated between $13^{\circ} 42'$ and $17^{\circ} 49'$ north latitude, and $88^{\circ} 10'$ and $92^{\circ} 30'$ longitude west of Greenwich.

Limits

Its limits are: On the north the Mexican States of Campeche and Yucatan, British Honduras and the Gulf of Honduras; on the east the Republics of Honduras and Salvador; on the south the Pacific Ocean; and on the west the Mexican States of Chiapas and Tabasco.

Area.

Its area is calculated to be 164,200 square kilometers, equivalent to 47,810 square miles. The length of its coast on the Atlantic side is 185 kilometers, or 100 miles, and on the Pacific side 260 kilometers, or 140 miles.

Mountains.

The country is divided throughout its entire extent, from northwest to southeast, by the Cordillera de los Andes, otherwise called Guatemalan Andes, or simply the Andes. The territory which lies between these mountains and the Pacific Ocean is from 50 to 80 kilometers wide; but that which lies on the other side is much wider, and constitutes the largest portion of the soil of the Republic.

The Sierra Madre, also called "Montes Cuchumatanes," crosses the departments of Huehuetenango, Quiché and Alta Verapaz.

The Sierra de Chama passes through the department of Alta Verapaz and Izabal, between La Pasión river on the north and the Cahabón and the Sarstoon rivers on the south.

The Sierra de Santa Cruz is a continuation of that of Chama.

The Sierra de las Minas in the departments of Baja Verapaz, Zacapa and Izabal, between the Polochic river, the Izabal lake and the River Dulce on the north, and the Motagua river on the south.

The Sierra de Copán, or "Montaña del Merendón," between the departments of Chiquimula and Izabal and the Republic of Honduras. The Motagua river runs on the north of this mountain. The Honduran river named Chamelecón runs on the south.

The Chiquimulilla mountain in the department of Santa Rosa, between the Los Esclavos river on the east and the Michatoya river on the west.

The mean height of the Cordillera is 1,950 meters. The highest points are:

The Tajumulco Volcano (4,390 meters) and the Tacaná Volcano (4,150 meters) in the department of San Marcos; the Acate-nango Volcano (3,906 meters) in the department of Chimaltenango; and the volcano called "de Fuego" (3,740 meters) in the department of Sacatapéquez.

Rivers.

The principal rivers of Guatemala are the following:

I. Emptying into the Gulf of Mexico:

The Usumacinta river, formed by the junction of the Rio Negro, also called "de las Salinas," and the Pasión river; the Cuilco and the Salequa rivers which, by their junction in Mexican territory, form the Tabasco river.

II. Emptying into the Gulf of Honduras:

The Rio Hondo and the Belice, the Sarstoon, the Dulce, and the Motagua rivers.

III. Emptying into the Izabal lake:

The Polochic river.

IV. Emptying into the Pacific Ocean:

The Rio de Paz, the river called "de los Esclavos," and the

Michatoya, the Guacalate, the Coyelate, the Patulul, the Nagualate, the Samalá, the Tilapa, the Naranjo, and the Suchiate rivers.

The following rivers are navigable for small craft: The Usumacinta; the Negro, from a place near the salt works, called Los Nueve Cerros, to the mouth; the Pasión river, from the place of its junction with the Chajmaik river to its mouth; the Sarstoon, from the Gracias á Dios Rapids to its mouth; the Polochic, from Panzós to its mouth; the Dulce through the whole of its course; the Motagua, from Gualán to its mouth; and the Michatoya, from its junction with the María Linda river to its mouth.

Regular steamship navigation is established on the Polochic and the Dulce rivers.

Lakes.

The hydrographic system of Guatemala includes a great number of lakes, the most important of which are the following:

The Petén, the Izabal, and the Amatitlán lakes in the departments of their respective names;

The Atitlán lake in the department of Sololá;

The Ayarza lake in the department of Jalapa;

The Güija lake, between the department of Jutiapa in Guatemala and the department of Santa Ana in the Republic of Salvador.

Lake Petén is 48 kilometers long by 10 kilometers wide.

Lake Atitlán is 25 kilometers long by 11 wide.

Lake Amatitlán is 12 kilometers long by 4 wide.

Lake Ayarza is about circular; its diameter is 12 kilometers.

Lake Güija is 25 kilometers long by 9 wide.

All these lakes are navigable.

Regular steamship navigation is established on the Atitlán and the Izabal lakes.

Ports.

The principal ports of Guatemala on the Atlantic side are:

Livingston, at the mouth of the River Dulce, on the Gulf of Amatique, 15° 48' north latitude, and 88° 46' longitude west of Greenwich.

Puerto Barrios, on the same Gulf, some distance east of Livingston, deemed to be one of the most important ports of the

GUATEMALA.

Republic, if not the most important of all, because of its having been chosen as the terminal point on the Atlantic side of the Inter-oceanic Guatemalan Railroad.

Livingston and Puerto Barrios are ports of entry and delivery (*puertos mayores*) and a large amount of trade is carried on through them.

The port of Santo Tomás, situated on the southern extreme of the Gulf of Amatique, $15^{\circ} 38' 3''$ north latitude and $88^{\circ} 35' 6''$ longitude west of Greenwich, although a good one, is not a port of entry. It belongs to the class of ports which the Guatemalan law calls *puertos menores*, or minor or secondary ports, and only certain articles can be imported or exported through them. For all commercial purposes Santo Tomás depends upon the Puerto Barrios Custom House.

The most important ports on the Pacific side are the following:

San José, connected with the Capital of the Republic by means of a railroad of no more than 74.5 miles, and situated $13^{\circ} 56'$ north latitude and $90^{\circ} 42'$ longitude west of Greenwich.

Champerico, farther north, $14^{\circ} 17'$ north latitude and $91^{\circ} 57'$ longitude west of Greenwich.

Ocos, at a short distance southwest of Champerico.

These three ports are ports of entry and delivery, are provided with extensive iron piers, and are centers of an active commerce.

On the Izabal lake there is the port of Izabal, $15^{\circ} 24'$ north latitude and $91^{\circ} 31'$ longitude west of Greenwich.

On the rivers the most important ports are Gualán on the Motagua, and Panzós on the Polochic.

Climate and Seasons.

Guatemala's climate is quite diversified, even within the limits of one district; but speaking generally it can be said that Guatemala is divided into three distinct zones.

The coasts of the Atlantic and Pacific form the belt known by the name of *tierra caliente* (torrid or hot zone).

The interior table lands, at an altitude of 2,000 to 5,000 feet above sea level, form the *tierra templada* (temperate zone), where the climate is very pleasant.

The high districts, called *Los Altos*, where the elevation is more than 5,000 feet, such as Quezaltenango, Totonicapam, and San Marcos, form what is denominated the *tierra fria* (cold zone), where the climate is cold but healthy.

The year is divided into two seasons: The rainy season, commonly called *invierno* (winter), and the dry season, also called *verano* (summer).

The rainy season lasts from May to October in the interior of the country, but on the coast it sometimes lasts until December.

The coldest months are December and January, and the hottest are March and April.

Salubrity.

It can be said without exaggeration that the climate of this Republic is one of the healthiest known. Excepting the coast districts, where the heat is great, the entire country enjoys a temperature the whole year corresponding to the spring of Southern Europe. The average temperature for the year is about 72° Fahrenheit.

There is no snow except in December and January (and not every year) in the highest points of the Republic. On the coast the refreshing sea breezes which regularly blow for some hours every day mitigate the extreme heat and render the climate bearable. The temperature of the Capital is delightful, as is that of nearly all the other important towns. The climate of Antigua has no superior in the world.

No peculiar climatic diseases exist in Guatemala, and for many years no plague or epidemic has afflicted her territory. As vaccination is compulsory, as well as gratuitous, smallpox has lost its terrors. The Government is always vigilant, and takes all sanitary precautions which are known to science.

CHAPTER II.

POLITICAL AND ADMINISTRATIVE DIVISIONS.— PRINCIPAL CITIES.—ALTITUDES.—DISTANCES.

The Republic of Guatemala is divided into twenty-two provinces called *departamentos*.

Each *departamento* is subdivided into a number of municipal districts called *municipios*. The total number of these *municipios* is three hundred and thirty-one.

For electoral purposes the whole country is divided into thirty-eight electoral districts (*distritos electorales*), the limits of which are marked by law.

At the head of each *departamento* there is an officer, appointed by the President of the Republic, who exercises the executive authority and is called *Jefe Politico*.

At the head of each *municipio* there is an officer called *Alcalde*, who exercises substantially the same functions as the mayor in the cities and towns of the United States of America. Sometimes these *Alcaldes* are two and even three in number, according to the importance of the *municipios*. Then they are called "Alcalde Primero" (First Alcalde), "Alcalde Segundo" (Second Alcalde), or "Alcalde Tercero" (Third Alcalde), as the case may be. The *Alcaldes* are assisted in the administration of the government of the *municipio* by a municipal council called *municipalidad* or *Ayuntamiento*, consisting of a certain number of aldermen called *Regidores*.

Both *Alcaldes* and *Regidores* are elected by the people.

The centers of population are called in Guatemala, according to their importance, *ciudades*, or cities proper; *pueblos*, or towns; and *aldeas*, or villages.

The following table shows the names of the departments, ar-



View of the City of Quezaltenango.

ranged in accordance with their respective geographical position; their chief towns, and the population of the latter, with their altitude above the level of the sea.

Departments.	Chief Towns.	Population of Chief T'ns.	Altitude of Chief T'ns.
Northern Departments—			
Izabal	Livingston	1,978	—
Baja Verapaz	Salamá	10,608	2,827 feet.
Alta Verapaz	Cobán	22,792	4,047 feet.
El Petén	Flores	1,671	482 feet.
El Quiché	Santa Cruz	11,914	5,543 feet.
Central Departments—			
Guatemala	Guatemala	71,527	4,854 feet.
Sacatepéquez	Antigua	10,150	4,464 feet.
Chimaltenango	Chimaltenango	3,749	5,666 feet.
Southern Departments—			
Escuintla	Escuintla	12,342	1,269 feet.
Amatitlán	Amatitlán	8,408	3,614 feet.
Santa Rosa	Cuajiniquilapa	3,062	3,254 feet.
Eastern Departments—			
Jutiapa	Jutiapa	11,023	2,847 feet.
Jalapa	Jalapa	12,246	4,625 feet.
Chiquimula	Chiquimula	12,562	1,167 feet.
Zacapa	Zacapa	11,964	511 feet.
Western Departments—			
Huehuetenango	Huehuetenango	10,279	7,118 feet.
Totonicapam	Totonicapam	23,849	7,967 feet.
San Marcos	San Marcos	6,036	7,216 feet.
Quezaltenango	Quezaltenango	21,437	7,419 feet.
Retalhuleu	Retalhuleu	6,327	977 feet.
Suchitepequez	Mazatenango	6,970	1,095 feet.
Sololá	Sololá	7,627	5,940 feet.

Principal Cities

The principal city of the Republic is the city of Guatemala, the Capital of the nation and the seat of government.

It was built in 1776, after the destruction of Antigua Guatemala, the old capital, on the admirable site which it still occupies. It is surrounded by green hills, pastures, sugar and coffee plantations; it is blessed with a temperate and most healthful climate and presents in every respect the most charming appearance. When seen from the heights of Cerro del Carmen the eye wanders over a lovely landscape reaching from the Guarda de

Buena Vista to a vast horizon, bounded on the south by a range of the Andes, while in the background is seen the colossal outline of the volcanoes of Agua and Fuego, whose craters are constantly crowned with ever-changing clouds.

The city covers a large area and is well built. Many of the houses are elegant and spacious, surrounded by courts and gardens adorned with fountains, objects of art, and tasteful ornaments. The streets are wide, straight, lined with fine sidewalks, and lighted by electricity.

Its principal public buildings are the Palace of the Executive, the City Hall, the Court House, the Post and Telegraph Office, the Artillery Barracks, the Custom House and Revenue Building, the Liquor and Tobacco Bureau, the National Theatre, the College of Medicine and Pharmacy, the University, the School of Arts and Trades, the Polytechnic School, a number of national and private schools and colleges, the general and military hospitals, the palace of the Archbishop, and several magnificent and richly decorated churches, such as the Cathedral, San Francisco, Santo Domingo, Santa Catalina, La Merced, La Recolectión, and Santa Teresa. There are scattered through the city public gardens, military barracks, large hotels, printing establishments, etc. The city has a Penitentiary, two forts, various charitable institutions, numerous schools and some lines of street cars. As the city is connected directly with the Port of San José by means of a railroad, communication is easy and provisions can be obtained abundantly and cheaply. The telephone is also in operation, and the mail, as well as the telegraph system is equal to that of the most civilized countries.

The city of Quezaltenango, the chief town of the department of its name, is situated about 120 miles from the Capital and about 75 miles from Champerico, the nearest port on the Pacific Ocean. It is the second city of the Republic in size and economical importance.

The city of Chiquimula comes afterwards. It is the center of commerce for the eastern departments. Its most important buildings are the Institute for young men and the Government House.

The city of Antigua, or Antigua Guatemala, in the department of Sacatepéquez, deserves special mention. It was founded in 1543 by Alonso Maldonado, is situated in a fertile valley, surrounded by picturesque hills, and bounded on the south by the volcano Agua, and on the southwest by the volcano Fuego.

The city is provided with four abundant springs, the water of which is medicinal and enjoys great reputation. In the neighborhood other thermal and mineral waters of different kinds and degrees of temperature are found, among which those of Medina, San Andrés, Ceballos, San Lorenzo del Tejar, and the historical spring of Almolonga may be specially mentioned. The climate being temperate, even, healthy, and agreeable, is one of the best in the world.

Escuintla, the principal city of the department of its name, is located half way between the Capital and the port of San José, on the line of the Central Railroad. It is the center of an extensive commercial movement, and has good hotels and apartment houses, well patronized every year, from December to March, by numerous families, who, following an old custom, come from different parts of the Republic to pass the season.

Retalhuleu, the chief town of the department of its name, is, owing to its position, one of the most important cities of the Republic. A railroad and a national highway bring it in direct communication with the sea shore, where the Government has a military post, a custom house, large warehouses, and every facility for the development of commerce.

POPULATION.

The census of the Republic, taken on the 26th of February, 1893, gave 1,364,678 inhabitants as the total population of the Republic. It is thought, however, that these figures may be safely augmented ten per cent. because of the number of people who failed to register or to otherwise respond to the inquiries of the census enumerators, and because of the increase by propagation and immigration which has naturally taken place between February, 1893, and the present date. If this opinion is correct the total population is 1,501,145.

Out of the 1,364,678 inhabitants given by the census, 11,331

were aliens. Of the latter 1,303 were citizens of the United States of America.

According to sex, the population of Guatemala is divided as follows:

Men, 677,472; women, 687,206.

The population by departments is as follows:

Guatemala, 147,840; Sacatepéquez, 42,713; Chimaltenango, 57,177; Amatitlán, 35,387; Escuintla, 32,001; Santa Rosa, 47,293; Sololá, 70,039; Totonicapam, 89,338; Quezaltenango, 111,138; Suchitepéquez, 37,796; Retalhuleu, 27,777; San Marcos, 89,332; Huehuetenango, 117,127; Quiché, 92,753; Baja Verapaz, 54,816; Alta Verapaz, 100,759; Petén, 6,752; Izabal, 7,401; Zacapa, 47,362; Chiquimula, 63,746; Jalapa, 33,285; Jutiapa, 52,856; total, 1,364,678.



View of Guatemala City.

CHAPTER III.

GENERAL OUTLINE OF THE CONSTITUTION OF THE COUNTRY.—BILL OF RIGHTS.—LEGISLATION.

The Government of Guatemala is republican, democratic, and representative. Its powers are vested in three co-ordinate branches, respectively called Legislative, Executive, and Judicial.

The legislative power is vested in a body called "National Assembly" (*Asamblea Nacional*), whose members, called *Diputados* (Deputies), number one for each 20,000 inhabitants, or any fraction of this sum exceeding 10,000, and are directly elected by the people. Their term of office is four years.

The rights and powers of this Assembly are virtually the same as the rights and powers of all other congresses or legislative bodies in the civilized world.

The executive power is vested in a President, directly elected by the people. He serves for six years, is responsible for his acts to the Assembly, and is head of the army. The President cannot be re-elected until after an interval of at least one term.

The President is assisted in the transaction of public business by six Secretaries of State, each having under his charge a separate department, called *Ministerio*. These are called Departments of *Gobernación y Justicia* (Government and Justice); *Relaciones Exteriores* (Foreign Relations); *Instrucción Pública* (Public Instruction); *Fomento* (Promotion of Public Welfare); *Hacienda y Crédito Público* (Finance and Public Credit); and *Guerra* (War).

There is also an advisory board called "*Consejo de Estado*" (Council of State), which consists of nine members, five elected by the Assembly and four appointed by the President.

The law provides the cases in which the opinion of this council must be consulted.

The judicial power is vested in a Supreme Court (Corte Suprema de Justicia), consisting of a Chief Justice and four Associate Justices, elected by the people; six Courts of Appeals (Salas de Apelaciones), each one consisting of a Chief Justice and two Associate Justices, also elected by the people; and twenty-nine courts (Juzgados de Primera Instancia), each consisting of one Judge appointed by the President out of three nominated by the Chief Justice of the Supreme Court.

Bill of Rights.

The Constitution provides that the authorities shall protect the people in the full enjoyment of all essential rights. It guarantees individual liberty, liberty of conscience, equality before the law, absolute security of person, honor, and property, freedom of travel, unrestrained liberty to practice all professions and trades, and to engage in honorable occupations and industries of all kinds, the rights of petition and association, the freedom of expression of thought, whether verbally or through the press, without previous censorship, free education, and compensation for all service not made gratuitous by law.

The law requires that all persons arrested shall be examined within forty-eight hours after their arrest. The writ of *habeas corpus* is recognized. No person can be compelled to testify against himself, his wife, children, brothers, father, mother, or other ancestors, or be tried by a court especially created for that purpose.

The domicile, private papers and personal correspondence of all inhabitants are inviolable.

Public instruction supported by the Government is secular and gratuitous.

Primary instruction is obligatory.

There is no imprisonment for debts.

Births, marriages and deaths, as well as changes of nationality or domicile, and all acts affecting the status of a person, have to be recorded at an office called Registro del Estado Civil.

An accurate description of each piece of real estate, and all acts which may affect the ownership of the same, as sales, leases, mortgages, conveyances, and transfers of all classes, have also to be recorded at another office called Registro de la Propiedad Inmueble.

Marriage is absolutely a civil contract, but the contracting parties are left at liberty to solemnize it afterwards religiously.

Absolute divorce can be secured in certain cases and under certain circumstances enumerated by law.

The Civil Code (Código Civil), in force since the 8th of September, 1877, and divided into the three general headings of Persons, Things or Property, and Obligations and Contracts, covers all matters of private municipal law in the country.

The Code of Civil Commerce (Código de Procedimientos Civiles), as indicated by its title, regulates the proceedings before the civil courts.

The Code of Commerce (Código de Comercio), promulgated on the 20th of July, 1877, regulates all matters relating to commerce and commercial transactions. This code is supplemented by a Law of Procedure (Ley de Enjuiciamiento Mercantil), promulgated on the same date, which regulates judicial proceedings in commercial cases.

The Penal Code (Código Penal) was promulgated on the 15th of February, 1889. The penalty of death does not exist in Guatemala, nor can imprisonment exceed fifteen years.

The Fiscal Code (Código Fiscal) regulates all matters concerning the treasury, its organization, the collection and disbursement of public moneys, the coins, and coinage; the public lands, mines and mining interests, etc., etc. This code has been in force since the 15th of September, 1881.

CHAPTER IV.

ALIEN RESIDENTS.—THEIR RIGHTS AND DUTIES.— ALIEN LAW.—LAW OF FOREIGN CORPORATIONS.

Article 13 of the Constitution of Guatemala reads as follows:

“Art. 13. Aliens are strictly bound from the moment of their arrival in the territory of the Republic to respect its authority and comply with its laws. They also acquire the right of being protected.

Under this broad provision no difference exists in Guatemala between aliens and Guatemalan citizens. All are equal and all enjoy in the same degree, and to the same extent, all rights and franchises which are not exclusively of political character.

Aliens, as well as Guatemalan citizens, are entitled to the same protection of their person and property, the same inviolability of their domicile, correspondence, and private papers, the same freedom of expression of their ideas, whether verbally or through the press, the same religious liberty, the same qualifications to acquire, to hold, and to convey property, whether real or personal, and the same facilities to resort to the courts or constituted authorities to seek redress or have justice administered to them.

Foreign companies, organized according to the laws of their respective countries, are allowed to do business in Guatemala, and enjoy the same rights as are granted the Guatemalan companies.

The text in full of the Alien Law, or *Ley de Extranjería*, promulgated in Guatemala on the 5th of May, 1894, such as published in “Papers Relating to the Foreign Relations of the United States, in 1896,” page 317, is as follows:

ALIEN LAW.—TITLE I.

Sole Chapter.—Who are Foreigners.

Article 1. For the effects of this law the following persons are to be considered foreigners:

Persons born outside of Guatemalan territory, whose parents are not Guatemalans.

Legitimate children born outside of Guatemala of a foreign father and a Guatemalan mother.

Guatemalans who have forfeited their citizenship.

Those born outside of Guatemala of parents who have forfeited their citizenship.

A Guatemalan woman who is married to a foreigner and domiciled outside of Guatemala.

Children of diplomatic ministers, although born in Guatemalan territory.

Art. 2. National vessels shall be considered as Guatemalan territory in determining the nationality of those born on board thereof.

Art. 3. The following persons shall be considered as naturalized Guatemalans:

1. Spanish Americans domiciled in the Republic who have not reserved their citizenship in the manner provided by article 87 of this act, in accordance with paragraph 1, article 7, of the Constitution of the Republic.

2. Other foreigners who have received certificates of naturalization according to the provisions of this decree, and those of the Constitution contained in article 7, paragraph 3, of that instrument.

Central Americans who make known to the authorities their desire to become naturalized in the manner provided by article 87 of this decree shall be considered as native Guatemalans according to article 6 of the Constitution.

Art. 4. A Guatemalan who has forfeited his citizenship by becoming naturalized in a foreign country (the same as the divorced wife of a foreigner, both residing outside of Guatemala), may regain his citizenship by making application, at any time, by re-

nouncing the protection of the foreign flag and by having his declaration and renunciation recorded in the Civil Register.

The Government nevertheless reserves the privilege of deciding such cases as it may think proper.

Art. 5. The application referred to in the foregoing article must be made to the minister of foreign relations of the Republic, or to the diplomatic or consular agent of Guatemala in the place where the applicant resides.

Art. 6. Legitimate or illegitimate children of a Guatemalan father, born or living in a foreign country, when, according to the laws of the country of their birth, they have the privilege of choosing their citizenship, and elect to become Guatemalans, must inform the diplomatic or consular agent of Guatemala within one year from the day on which they become of age, or from that of their emancipation, whether they desire to become Guatemalan citizens, and the said diplomatic or consular officer shall in this, as in the former case, record it in the register of the legation or consulate under his charge, and report the fact immediately to the minister of foreign relations of the Republic.

Art. 7. A Guatemalan who has entered the military service of a foreign country, or who has accepted a public office, or who has any supplementary jurisdiction without permission from the Government of Guatemala, shall be considered as a foreigner, but he may recover his Guatemalan citizenship by complying with the requirements of articles 4 and 5.

Art. 8. A Guatemalan naturalized in another country shall, on returning to Guatemala, be subject to the obligations of his original citizenship; and the allegation that he has been naturalized in another country shall not exempt him from his obligations as a citizen of Guatemala.

TITLE II.

Chapter I.—Classification of Foreigners.

Art. 9. Foreigners in Guatemala may be: (1) Residents or domiciled persons; (2) Non-residents or sojourners, and (3) immigrants.

Art. 10. Foreigners may enter, reside, and settle freely in any part of the territory of Guatemala.

Art. 11. Civil rights are independent of citizenship.

Art. 12. The law recognizes no difference between a Guatemalan and a foreigner, as regards the acquisition and enjoyment of civil rights.

Art. 13. No inhabitant of Guatemala can be exempted from the fulfillment of obligations contracted in the Republic according to its laws.

Art. 14. Both Guatemalans and foreigners residing in Guatemala, or wherever they may be found, may be summoned to appear before the courts of the Republic for the performance of contracts concluded by them (even in a foreign country) in matters in which the laws of Guatemala permit them to contract.

Art. 15. Although a foreigner be absent from the country he may be summoned to answer before its courts.

I. When an action is brought concerning property situated in Guatemala.

II. When a civil action is brought on account of any crime or misdemeanor committed by a foreigner in Guatemala.

III. When an obligation is concerned which has been contracted by a foreigner, in which it is stipulated that the courts of the Republic are to decide disputes relative thereto.

Art. 16. Whenever an obligation is concerned which has been contracted in a foreign country, the laws of the country in which it was contracted shall always serve for the judgment of the contract, so far as it is not prohibited by the laws of the Republic. The laws of Guatemala shall be paramount only when the contracting parties submit to them.

Art. 17. A Guatemalan woman married to a foreigner, or a foreign woman married to a Guatemalan, take the nationality of their respective husbands. If they become widows, the former recovers and the latter retains her Guatemalan nationality, provided they reside in the Republic.

Art. 18. The fulfillment of obligations contracted in a foreign country between foreigners not domiciled cannot be demanded in Guatemala, unless they are willing to abide by the decision of the courts of the Republic.

Art. 19. A change of nationality or citizenship shall have no retroactive effect.

Chapter II.—Inhabitants and Non-Residents.

Art. 20. The domicile of a person is the place where he usually resides; if he has no customary place of residence it is his principal place of business; if he has neither his domicile is considered to be the place where he is found.

Art. 21. The domicile of a minor child, not emancipated, is that of the person under whose guardianship he is.

Art. 22. The domicile of a minor child who is not under parental authority, and of a person of full age who is incapacitated, is that of his guardian.

Art. 23. The domicile of a married woman, if she is not separated from her husband, is his domicile; if she is separated from him she is subject to the provisions of article 20.

Art. 24. Those who serve a person and live in his house, whether minors or of age, have the same domicile as the person whom they serve; but if they are minors and own property that is in charge of a guardian, their domicile shall be that of their guardian, so far as their property is concerned.

Art. 25. The domicile of those who are serving out a sentence is the place where they are serving it, as regards their judicial relations subsequent to the sentence; as to their previous relations, they shall retain their last domicile. Those who are simply condemned to exile shall retain their former domicile.

Art. 26. The wife and children of a person sentenced to banishment, who do not accompany him to his place of exile, shall not have as their domicile that of the husband and father, but their own, according to the provisions of the foregoing articles.

Art. 27. The domicile of corporations, associations, and establishments recognized by law is the place where their principal office is situated, subject to the provisions of their statutes or by-laws, provided that the domicile therein designated is within the territory thereunto subject.

Art. 28. When there are circumstances which constitute a civil domicile, as regards the same person in several localities, it is to be understood that such person has his domicile in all the localities concerned; but if things are concerned which imply special relation to *one* of the said localities, that locality alone shall, so far as such cases are concerned, be the civil domicile of the person.

Art. 29. A person is not presumed to have the intention of remaining, and does not, therefore, acquire civil domicile in a place from the mere fact of his having dwelt there for some time in his own house, or in that of another, if he has a domestic establishment elsewhere, or if it appears, from any other circumstance, that his residence is accidental, like that of a traveler, that of a person engaged in the performance of a temporary commission, or that of one doing business as a traveling vendor or commercial traveler.

Art. 30. No person shall prevent the inhabitants of any town from changing their residence.

Art. 31. The inhabitants of any place, be they native or foreign born, shall be liable to the charges and municipal taxes of their place of residence.

Art. 32. A transient person is one who is stopping temporarily in a place.

Art. 33. Transient persons shall not enjoy the rights or be subject to the charges to which residents are subject.

Art. 34. Foreigners who are not domiciled, and whose personal identity, together with the object of their being in the country, is not declared within three months, shall be considered as immigrants.

TITLE III.

Sole Chapter.—Of Registration and its Effects.

Art. 35. The registration of foreigners consists of the inscription of their names and nationality in a book kept for that purpose at the ministry of foreign relations of the Republic.

Art. 36. A foreigner who desires to be registered, and who is at the Capital of the Republic, must make application to the ministry of foreign relations or to the political chief of the proper department, furnishing evidence of his nationality, together with at least one of the documents hereinafter named:

I. A certificate from the diplomatic agent or from a consular officer accredited in the Republic, stating that the interested party is a native of the country represented by the aforesaid diplomatic agent or consular officer.

II. The passport with which the applicant has entered the Republic, authenticated in due form.

III. His certificate of naturalization, authenticated likewise; and only when sufficient evidence shall be presented of its destruction or loss, or to the effect that this document is not necessary according to the law of the country in which it should have been issued, shall other evidence of equal value be accepted to the effect that the interested party has legally obtained his alleged naturalization.

Art. 37. Nevertheless, in case of the party being placed on trial, the civil or executive authorities, or any person who is interested, may impugn those documents and prove their spuriousness in case of necessity.

Art. 38. The evidence of the applicant's nationality, together with his personal description, having been sent to the ministry of foreign relations by the proper officer, it shall there be registered and a certificate to that effect shall be given to the foreigner on payment by him of one dollar, which shall be the sole registration fee.

Art. 39. Registration constitutes merely a legal presumption that the foreigner's nationality is that which he claims, and proof to the contrary may be presented.

Art. 40. Registration may be proved by the certificate thereof, signed and issued by the minister of foreign relations, who alone has authority to sign and issue such certificates.

Art. 41. No magistrate or public officer shall recognize a person as being of any particular foreign nationality unless such person shall present his certificate of registration.

Art. 42. A foreigner shall have the following rights:

I. The right to appeal to the treaties and conventions existing between Guatemala and his own nation.

II. The right to apply to his country for diplomatic protection in accordance with the provisions of this decree.

III. The benefit of reciprocity.

TITLE IV.

Sole Chapter.—Political Status of Foreigners.

Art. 43. Foreigners residing in Guatemala as domiciled persons or sojourners (transients) shall have their rights guaranteed:

To the security and protection of their persons, property, dwelling, and correspondence in the same manner as native citizens.

To express and publish their views, subject to the limitations fixed by law, both by word of mouth and in writing. They may, moreover, be managers, owners, or responsible representatives of newspapers or periodicals of any kind whatever. They shall, however, in all cases, conform to the laws of the country, just as native citizens are required to do, and shall not be at liberty to appeal to diplomatic protection on account of the responsibilities that they may incur.

To address written petitions to the public authorities, just as is done by native Guatemalans, to the authorities and their agents.

To the exercise of their religious worship according to the Constitution, and with the limitations of universal morality and those established by the police regulations.

To have justice administered to them by the courts and authorities in such cases and in such ways as are provided for by the laws which define the competency of the said courts and authorities.

Art. 44. Inasmuch as these privileges are attributes of (Guatemalan) nationality, no foreigner shall be a voter or be eligible to any public office whose incumbent is chosen by the popular vote; exercise judicial functions or those auxiliary thereto; hold any canonically conferred ecclesiastical office without having been specially authorized to do so by the Guatemalan Government, it being understood that when a foreigner makes such an application, and it is granted by the Government, such foreigner renounces the protection of his country, so far as the discharge of the duties of his office are concerned.

Art. 45. They shall not be at liberty to practice professions for which a professional title is required without first having gone through the course of study required by the law concerning public instruction or by the treaties; the Government may, however, freely authorize foreigners to fill positions as professors in universities and as teachers in high schools, as well as to practice professions not yet established in the Republic, when the propriety

of so doing is manifest owing to the excellent records and high attainments of such foreigners.

Art. 46. In order to determine the obligations of foreigners with respect to military service, the following is to be borne in mind: That all persons are to be held to the strict performance of such service who, having a right on attaining their majority to make choice of a foreign nationality, shall fail to exhibit to the civil or military authorities of the Republic documents showing that they have fulfilled said obligation in the country of their choice (option), or that they have been exempted therefrom on account of some cause that, according to the Guatemalan law, is sufficient.

TITLE V.

Chapter I.—Of the Civil Status of Foreigners.

Art. 47. Foreigners shall enjoy in Guatemala all the civil rights that the laws grant to Guatemalans.

Corporations, establishments, and associations recognized by law shall be considered as legal persons for the exercise of said rights.

Art. 48. The laws of Guatemala are binding upon all who are in Guatemalan territory, without distinction of nationality. The status and capacity of persons, together with their family relations, shall be regulated by the laws of the nation to which they belong.

Art. 49. In no case shall the laws, contracts, or sentences of a foreign country, or arrangements and private agreements annul the prohibitory laws of the Republic which relate to persons, property or contracts, or those which in anywise relate to public order and good morals.

Art. 50. Foreign persons shall enjoy all family rights; they may, consequently, constitute a family and contract marriage in Guatemala with other foreigners or with natives.

Chapter II.—Of Marriages.

Art. 51. A marriage contracted between two foreigners, out-

side of Guatemalan territory, that is valid according to the laws of the country in which it was contracted, shall be duly valid in Guatemala.

Art. 52. Marriages are valid when contracted between foreigners or between a foreigner and a Guatemalan, both of whom reside in the country, according to the laws of their respective nations. Consequently, such marriages shall have the civil effects that are recognized by this law in respect to marriages contracted by natives of the same country, according to the civil code.

Art. 53. A marriage contracted in a foreign country between Guatemalans, or between a Guatemalan and a foreign woman, or between a foreigner and a Guatemalan woman, shall likewise have the proper civil effects in the national territory if it is shown that it was solemnized in the form and in compliance with the requirements established by law in the locality in which it took place, and that the Guatemalan has not violated the provisions of the civil code relative to the capacity to contract marriage and to the consent of the ascendants or of the person from whom it is proper to obtain it.

Art. 54. In urgent cases, in which it is impossible to apply to the authorities of the Republic, consent may be given by the minister or consul residing in the place where the marriage is to take place, or by the nearest one, if there is none in the said place, the minister always to be preferred to the consul.

Art. 55. In case of danger of speedy death in a place where there is no minister or consul, the marriage shall be valid provided it be satisfactorily shown that such danger existed, and that there was no minister or consul in the place.

Art. 56. For the contracting of marriage the law of the nation of the foreigners who are about to contract it shall determine the age at which this can be done by the persons who are to give their consent, and shall define the impediments that may bar it.

Art. 57. In all cases the prohibitory provisions shall be observed, which, according to Guatemalan law, are a bar to the solemnization of the marriage, for reasons of morality or public order, on account of the relationship or the legal dissolution of previous bonds.

Art. 58. The disqualifications recognized in some countries on

account of political proscription or trial for and conviction of crime shall not be considered as impediments to marriage.

Art. 59. When the contracting parties are foreigners and have not resided in Guatemala for two years they shall be required to show, by a certificate of the competent officer, according to the laws of their country, duly authenticated, and with all the requisites which, according to Guatemalan law, are necessary to make it authentic and valid, that notice of the marriage which they propose to contract has been published, with all the necessary formalities, in the country in which they had their domicile or residence during the year previous to their coming to Guatemala. They shall in all cases show, by means of an authentic document, that they are at liberty to contract marriages.

Art. 60. A foreigner who has been legally divorced in his own country may lawfully contract a new civil marriage in Guatemala, according to decree No. 484.

Art. 61. A marriage contracted outside of Guatemala by foreigners according to the laws of their nation shall have, in Guatemala, all the effects of a lawful marriage.

Art. 62. A marriage contracted in a foreign country by a Guatemalan and a foreign woman, or *vice versa*, shall be valid in Guatemala, provided that in its solemnization the laws were observed that are established in the country in which it took place for regulating the external forms of the contract, and provided that the contracting parties had a right to contract marriage according to the laws of Guatemala.

Art. 63. A marriage solemnized in a foreign country may be proved by any means of proof, if, in the country in which it was solemnized, the registration of marriages is not required by law.

Art. 64. The marriages of foreigners must be recorded in the civil register of the proper municipality when the contracting parties or their descendants remove to Guatemala.

Art. 65. Sentences shall likewise be recorded whereby marriages are declared to be null and void, or married persons are declared to be divorced.

Art. 66. The laws of the country of the married persons shall determine their respective capacity for such civil acts as are consequent upon marriage.

Art. 67. It shall be understood that the matrimonial régime, in default of an explicit agreement, is that which is recognized by the nation to which the contracting parties belong.

Art. 68. If marriage has been contracted between a Guatemalan and a foreign woman, or between a Guatemalan woman and a foreigner, and no stipulation has been made by them with regard to their property, it shall be understood when the husband is a Guatemalan that he marries under the régime of common property, and when the wife is a Guatemalan woman that she marries under the régime of the common law in the country of her husband; and as regards the property, the fundamental law shall govern.

Art. 69. The legitimacy of the children of foreigners shall be determined by the laws of their country, which shall also regulate the rights of parental authority.

Art. 70. Foreigners in the full enjoyment of their civil rights may recognize their natural children, be guardians and pro-guardians, if they reside in Guatemala, of their relatives within the fourth civil degree, and adopt and be adopted by other foreigners or by native Guatemalans; but whenever these acts affect a Guatemalan they shall be governed by Guatemalan law as regards all their effects.

TITLE VI.

Sole Chapter.—Concerning Diplomatic Intervention.

Art. 71. The intervention of a foreign government in behalf of its citizens, either directly or through its diplomatic or consular agents, is admissible and proper only in case of denial of justice or of willful delay in its administration after all the usual means established by law have been exhausted.

Art. 72. There is denial of justice when a judicial magistrate refuses to make a formal declaration in regard to the principal matter or any of the incidents of a case which he is trying or which is submitted to him for examination, or when any law has clearly and undoubtedly been violated, and all legal means of redress having been exhausted, it has not been possible to secure a reversal of the decision or reparation of the damage done, it be-

ing understood that the mere fact that a decision is not favorable to a claimant does not constitute a denial of justice.

Art. 73. Delay in the administration of justice is not willful when the judge bases it upon some reason of law or upon some impediment which it is impossible for him to overcome.

Art. 74. When a complaint is laid before the Government for denial of justice or on the ground of its administration being willfully delayed, it must be conclusively shown that those offenses have actually been committed in notorious violation of the laws of the country, and that adequate and sufficient petitions and arguments have been presented and that suitable means have been used for the purpose of securing a judicial correction of those offenses or lawful redress for the injury which has thereby been caused, and that such efforts have not effected a discontinuance of the denial of justice, or of the willful delay in its administration, and have not secured reparation for the injuries resulting therefrom.

Art. 75. A foreigner bringing a civil action against the Republic for injuries done him, for condemnation of property, or for the acts of public officers, shall, before appealing to the Government, lay his case before the proper court, that it may be tried and decided in the manner provided by law.

Art. 76. In order to answer the complaint—and they shall act as parties to the suit in all its stages—the assistant district attorney in this city shall be summoned, or the collectors of internal revenue in those departments where there is no special representatives of the public exchequer. The officer or officers shall likewise be summoned against whom is brought the charge which originated the action, and he or they may be present at all proceedings if they consider this to be their interest.

Art. 77. An extract from the complaint, signed by the clerk of the court, in which shall be given the name, surname, and domicile of the plaintiff, the amount claimed, and a brief statement of the facts in the case, shall be immediately published in some newspaper printed in the chief town of the department, if any is printed there; and if there is none, in some of those printed in the nearest town. This shall be published at the expense of the plaintiff.

Art. 78. Any citizen who is not debarred from so doing by any legal impediment may appear as a party opposing the action brought, in addition to the persons mentioned in article 76

Art. 79. In these suits the testimony of witnesses shall not be admitted as evidence unless it is shown that the officer who caused the injury or condemnation refused to give suitable documentary evidence thereof, or unless it shall appear evident, from the nature and circumstances of the case, that it was absolutely impossible to obtain such documentary evidence.

Art. 80. In order to make better provision, the court may cause all such probatory measures to be taken as may best conduce to the establishment of the truth.

Art. 81. A plaintiff who shall have manifestly exaggerated the amount of the damages or injuries suffered shall be liable to the payment of a fine equal to 25 per cent. of the sum claimed, and shall also be liable to have any other civil or criminal action brought against him that may result from the suit. It shall be the duty of the judge executing the sentence to collect the fine, for which purpose he may resort to coercive measures. If an indeterminate value is claimed in the suit, the plaintiff, in the cases mentioned in this article, shall be required to pay a fine of not less than five hundred nor more than a thousand dollars. In case of the plaintiff's insolvency, he shall be imprisoned one day for each dollar that he fails to pay.

Art. 82. In no case shall it be claimed that the nation is under obligations to pay for damages, injuries, or condemnations that have not been done or executed by the legitimate authorities or their agents, acting in their public character.

Art. 83. All persons not holding official positions, who shall order contributions or forced loans, or who shall commit acts of spoliation of any kind whatever, and also those who shall obey such orders, shall be responsible to the parties injured, both directly and personally, with their property.

Art. 84. The Government shall order the payment of such sums as the courts may decide to be the amount of the damages and injuries done, provided that a copy be presented, in due form, of the judicial decision declaring that the public treasury is bound to pay the indemnity asked for.

Art. 85. The nation shall assert its right to cause the responsible officer to refund to the public treasury the amount that it shall have disbursed by reason of the condemnatory sentence pronounced in favor of the claimant.

TITLE VII.

Sole Chapter.—Naturalization of Foreigners.

Art. 86. In order to become naturalized, according to paragraph 3, article 7, of the Constitution of the Republic, the following shall be the proper mode of procedure: A person desiring to become naturalized must furnish evidence to the political chief of the department that he has resided in the Republic for two years; that his conduct has been good, and that he has an income, profession, art, trade, or other proper means of earning his livelihood. The evidence on these points may be either documentary or furnished by the testimony of one or more witnesses. The papers in the case having been prepared, the political chief shall send them to the department of foreign relations, and when the application shall have been examined the President of the Republic shall issue an order granting naturalization if the conditions required shall have been complied with. The order having been issued a copy of it shall be sent to the officer having charge of the Civil Register, so that he may record it, as required by law.

Art. 87. In order to make the reservation regarding nationality which is mentioned in article 7 of the Constitution of the Republic and the statement referred to in article 6 of that instrument, the interested parties shall apply, in writing, to the departmental political chiefs, who, after having caused them to ratify their applications, shall send the latter to the department of foreign relations, which shall issue the proper certificate on payment of one dollar, which payment shall cover all charges except that for the stamped paper used. This certificate, in order to have proper legal effect, must be recorded in the Civil Register.

Art. 88. Any foreigner, without distinction of origin, may be naturalized in accordance with the provisions of article 86.

Art. 89. Naturalization may be express, tacit, or presumptive.

Art. 90. Certificates of naturalization are divided into two

classes, viz: Concessory and declarative certificates. By the former naturalization is expressly granted; the latter contains a declaration that the parties interested have become naturalized according to law, owing to their having complied with certain requirements, or, what amounts to the same thing, they contain a declaration of tacit naturalization.

Art. 91. A certificate declarative of tacit naturalization is retroactive in its effect to the time when the loyal act was consummated which effected the change of nationality; whereas a concessory certificate produces its effects on and after the day of its issue.

Art. 92. No certificate of naturalization can be granted to a subject of a nation that is at war with Guatemala, or to a person who is reputed to be or who has been legally convicted, in any country, of being a pirate, a slave trader, an incendiary, a poisoner, a parricide, or a counterfeiter of coin or bank notes, or of other paper serving as a substitute for coin.

Art. 93. Tacit naturalization is secured:

I. By not making the reservation referred to in paragraph 1, article 7, of the Constitution of the Republic.

II. By accepting one of those public offices which are reserved for Guatemalans.

Art. 94. A naturalized person acquires all the rights and contracts all the obligations of Guatemalans, unless such rights and obligations are excepted in the following articles:

TITLE VIII.

Sole Chapter.—Expulsion.

Art. 95. The territory of Guatemala is an asylum for all foreigners.

Art. 96. The Government exercises over foreigners all the rights of inspection and vigilance which belong to it, according to the laws and police regulations, which foreigners, without exception, are required to obey.

Art. 97. If foreigners who have taken refuge in Guatemala shall (misusing the right of asylum) conspire against the country or endeavor to overthrow or modify its institutions, or to disturb in any way the public tranquillity and peace of a friendly

Nation, the Government may order their expulsion from the national territory.

Art. 98. Foreigners who, not having permission from the Government to remain in the country as domiciled persons, shall fail to furnish evidence that they possess adequate means of subsistence, may be sent to the frontier of the country from which they come, or put on board of a vessel in one of the ports of the Republic.

Art. 99. A foreigner temporarily residing in the country, or an immigrant, who endangers public tranquillity by his conduct, or who has been prosecuted for or convicted in another country of one of the crimes or offenses for which extradition is granted, may be compelled by the Government to leave a determinate place, or to reside in such place as may be assigned to him, and finally to leave the Republic.

Art. 100. An immigrant who, being unable to identify himself, shall be guilty of falsehood in stating his name and circumstances, may be expelled from the territory of Guatemala by order of the President of the Republic, as may be any person presenting fraudulent documents for the purpose of identification.

Art. 101. Political chiefs and municipal alcaldes shall take care that indigent foreigners, and also those who are sick and in need, be always assisted by the charitable establishments and board under their control, and they shall in all cases, acting in concert with the consular officers of the nation to which such foreigners belong, take proper measures to return them to the country whence they came.

Art. 102. The same course is to be pursued in the case of abandoned children, the offspring of foreigners. In such cases the effort shall always be made to reconcile the interests of good order and a proper police system with the sacred duties of humanity.

Art. 103. Decisions respecting sick and indigent foreigners and foreign children who have been abandoned shall always be brought to the knowledge of the proper consular officer, who shall be requested to take charge of persons belonging to the former of the above-mentioned classes of persons, on his own responsibility.

Art. 104. If a foreign Government shall request, on grounds considered sufficient, the internment of one of its subjects who resides in a town or locality near to the frontier of such country, the Government of Guatemala may intern him, and designate as his residence such place or territory as it may think proper.

Art. 105. Only in exceptional cases connected with the preservation of public order can foreigners be expelled who are married to Guatemalan women, and who have resided in the country for a period exceeding five years. The same rule applies to those whose option of nationality is still pending.

Art. 106. The person whom the order of expulsion concerns shall in all cases be notified thereof, and at least twenty-four hours shall be allowed him in which to obey it. The procedure in cases of expulsion is simply executive.

Art. 107. In case of disobedience, the public force shall proceed to effect the expulsion, and if the expelled person shall return to the territory of Guatemala he shall be tried by the courts of the Republic and shall be punished for disobedience, in pursuance of article 142 of the Penal Code; but when he shall have paid or served out the penalty to which he shall have been sentenced, he may again be expelled from the territory of the Republic, to which end the judge who shall have tried the case shall take care to notify the minister of the interior in due time and through the proper channel.

TITLE IX.

Art. 108. The purchase of wild lands in territory on the frontier is absolutely prohibited to the native citizens of nations bordering on Guatemala, and to those who have become naturalized therein.

Art. 109. A foreigner who is allowed by law to purchase wild lands may pre-empt a number of caballerias not exceeding fifteen; in no case, however, shall he be allowed to transfer his property or any real estate that he may have acquired in the Republic to any foreign Government.

TITLE X.

Chapter I.—Concerning Criminal Cases.

Art. 110. The laws relating to police and public safety are

subject to no exception whatever, and are binding upon all persons residing within the territory of the State. Foreigners are, therefore, amenable to the laws and courts of Guatemala for any crimes that they may commit within the territory of Guatemala.

Art. 111. The following persons are excepted from the provisions of the foregoing article: Princes of reigning families, presidents or chief magistrates of other countries, ambassadors, ministers plenipotentiary, ministers resident, *chargés d'affaires*, and foreigners who are permanently employed at legations. Such persons, when they commit a crime, shall be placed at the disposal of their respective governments.

Art. 112. Cognizance of crimes whose commission has been begun in Guatemala, and consummated or frustrated in foreign countries, shall be taken by the courts and judges of Guatemala, in case the acts perpetrated in Guatemala constitute crimes in themselves, and only with respect to such crimes.

Art. 113. Foreigners shall be tried by the judges and courts of the Republic when they shall have committed one of the following crimes outside of the territory of the Nation: A crime against the independence of the Republic, the integrity of its territory, its form of Government, its tranquillity, its internal or external safety, or against the Chief Magistrate of the State, or the crime of forging the signature of the President of the Republic or of the ministers of State, or of counterfeiting the public seals, the legal coin of Guatemala, the paper money of Guatemala which legally is in circulation, bonds, certificates, or other documents of the National public credit, or notes issued by a bank doing business in the Republic in pursuance of its laws and authorized to issue such notes, and also the crime of introducing such counterfeit papers or money into the Republic and circulating the same therein.

Art. 114. If persons guilty of the crimes enumerated in the foregoing article shall have been acquitted or punished in a foreign country, their cases shall not be re-opened, provided that (in the latter case) they shall have suffered the full penalty to which they were sentenced. The same shall be the case if they have been pardoned, except when they have been guilty of the crime of treason. If they have suffered a part of the penalty, al-

lowance therefor shall be made, and it shall be deducted from that which they would otherwise have to suffer.

Art. 115. The provisions of the foregoing articles apply to foreigners who have committed any of the crimes therein enumerated, when they are apprehended in Guatemalan territory or when their extradition is obtained.

Art. 116. The following persons shall also be tried by the judges and courts of the Republic, unless there is something to prevent in the existing international treaties:

1. Foreigners who commit a crime on the high seas on board of a Guatemalan vessel.

2. Foreigners who commit a crime on board of a foreign merchant vessel anchored in a Guatemalan port, or being in the territorial waters of the Republic, unless such crime is committed by a person belonging to the crew against another member of the same crew.

3. Foreigners, members of the crew of a foreign merchant vessel, even though they have committed a crime against a person belonging to the same crew, if the aid of the Guatemalan authorities is asked for on board of the vessel, or when the tranquillity of the port is endangered by the perpetration of the crime.

4. Foreigners who have committed against Guatemalans, in a foreign country, the crime of arson, murder, robbery, or any other for which the perpetrator is extraditable, provided that a charge has been made by a person having a legal right to make charges.

Art. 117. The ordinary courts are competent to take cognizance of offenses committed by foreigners, and the judges of the place where they are committed shall be the only ones having authority to try their perpetrator.

Art. 118. Foreigners may enter a complaint on account of offenses committed against their persons or property, or the property of those whom they represent, security always being furnished previously, the amount of which shall be fixed by the competent court or judge, subject to such exceptions as may be authorized by treaty or by the principle of reciprocity.

Art. 119. The statements of foreigners who are brought to

trial and who are ignorant of the Spanish language or those of witnesses who are unable to express themselves in Spanish, shall be made through a sworn interpreter, and the questions and answers shall be recorded in the national language and in that of the prisoner or the witness making the statement. When this is not possible, the papers containing the questions and answers shall be sent to the office of the official translator.

Art. 120. In no case shall the sentence pronounced by foreign courts be executed in Guatemala, nor shall they occasion the additional punishment curtailed by a repetition of the offense.

LETTERS ROGATORY.

Art. 121. Letters rogatory to foreign courts shall always be sent through the diplomatic channel, or through such channel and in such form as may be expressly established by treaty.

The principle of reciprocity must govern in all cases. These same rules shall be observed in complying in Guatemala with the requests made in letters rogatory of foreign courts whereby it is asked that some judicial act be performed.

Art. 122. The legations shall guarantee to the ministry of the interior and of justice the payment of the expenses that may be caused by criminal prosecutions instituted either *ex-officio* or at the instance of a party declared indigent. The legations shall not transmit letters rogatory of foreign authorities, unless the payment of the expenses that may be caused by compliance with the requests therein contained, in such manner as may be agreed upon with the Government of the country, shall be guaranteed.

Chapter II.—The Administration of Justice as Regards Foreigners.

Art. 123. Foreigners are subject to the laws and courts of Guatemala in all suits brought by them or against them to enforce the fulfillment of obligations contracted in or out of Guatemala in favor of Guatemalans, or having reference in general to property or to the ownership of anything valuable in the territory of Guatemala.

Art. 124. The Guatemalan courts shall likewise be competent,

and it shall be their duty, to take cognizance of such suits between foreigners as may be brought before them, and as may have reference to the fulfillment of obligations contracted or performable in Guatemala, or when it is so provided by treaty.

Art. 125. In all other matters in which foreigners are concerned, the courts of Guatemala shall alone be competent to adopt urgent and provisional measures of precaution and safety.

Art. 126. The provisions established by the rules of competency in civil matters are applicable to foreigners when they have recourse to the judges and courts of Guatemala, soliciting acts of voluntary jurisdiction, taking part therein or appearing in court as plaintiffs or defendants against Guatemalans or against other foreigners, when it is proper for the courts of Guatemala to take cognizance according to the laws of the Republic or its treaties with other powers.

Art. 127. Foreigners against whom legal proceedings are instituted, shall, when this is necessary, enjoy the benefit of poverty for purposes of litigation. The same benefit shall be enjoyed by foreigners instituting legal proceedings, if reciprocity is granted to Guatemalans in their country.

Art. 128. If the plaintiff is a foreigner, he shall be obliged to furnish, if the defendant shall demand it *in limine litis*, the security *judicatum solvi* as a guarantee of his solvency; in default thereof, a delay shall be granted in such cases and in such manner as are required of Guatemalans in the country of the plaintiff.

In no case shall such security be required in commercial matters.

Art. 129. The provisions which govern commercial matters are applicable to all persons engaged in trade, without distinction or privilege by reason of nationality.

Art. 130. The law of the place where a judicial act has been performed shall determine the methods of proof of which a foreigner must make use before the courts in order to show the existence of such act. From this rule are excepted acts and contracts relating to real property situated in the Republic of Guatemala, which shall be governed by the laws of Guatemala exclusively.

FINAL PROVISION.

Art. 131. The provisions of this law shall in no wise impair the immunities and guarantees which are secured to diplomatic and consular officers by international law and by the treaties or conventions which the Government has concluded; nor shall they impair the rights granted by such treaties in particular to foreigners of a determinate nation.

In order to make this matter as complete as possible, the text of the law regulating the status of foreign companies in the Republic of Guatemala, promulgated April 15, 1893, is herein given:

LAW REGARDING FOREIGN COMPANIES IN
GUATEMALA.

Article 1. Companies lawfully constituted in a foreign country may establish themselves, or have agencies, or branches, in Guatemala, when previously authorized to do so by the Executive, upon their binding themselves to submit to the provisions of the Code of Commerce in all matters concerning the creation of their establishments in the National territory, and their commercial operations, and to the jurisdiction of the courts of the country.

Art. 2. Foreign companies which are willing to establish themselves, or to have agencies or branches in Guatemala shall, as soon as the permission referred to in the foregoing article is secured by them, proceed to the registration of their constitution, by-laws, deeds of partnership, and all other documents concerning their incorporation, in the manner and form provided by article 235 of the Code of Commerce.

Art. 3. The Executive shall not issue the permission referred to in article 1 of the present law if the application is not accompanied by a certificate showing that the foreign company was constituted in accordance with the laws of its country. This certificate shall be issued by either the Guatemalan Minister, or Consul, accredited to that country.

Art. 4. Each company lawfully constituted in a foreign coun-

try, established in Guatemala, or having agencies or branches within its territory, shall, besides registering itself as above provided, publish every year a balance sheet or statement, showing with perfect clearness the amount of its assets and liabilities, and also a list of the persons entrusted with the management of its business.

Art. 5. The failure by the company, or its branches or agencies, to comply with any of the provisions of the present law shall render all those doing business in their name jointly and personally responsible for all the obligations contracted in the Republic; they being liable furthermore to be prosecuted for embezzlement, if through their operations losses are inflicted upon third parties.

Art. 6. The responsibility of the agencies and branches is understood to be additional to whatever action may be taken under the law against the companies themselves.

Art. 7. The Executive shall have the power to require from each foreign company wishing to establish itself or to have agencies or branches in Guatemala, as a condition for the granting of the permission referred to in articles 1 and 2 of this law, a tax or license fee of no more than one thousand dollars every year.

Art. 8. Foreign companies, now doing business in the Republic, shall be henceforth subject to the provisions of the present law; otherwise their future acts shall have no validity.

CHAPTER V.

IMMIGRATION.

Guatemala is a country abundant in vacant and fertile lands, which offers to the immigrant the greatest inducements. Almost two-thirds of its territory is yet uncultivated for want of laborers, and the immigration of honest, industrious people will certainly be a blessing both for them and the country. Its virgin soil does not need fertilizers, and the poorest immigrant may, if he wishes, secure good wages and support his family.

There are many agricultural industries which need no capital and afford an opportunity to wait for other work of more profit. An assured independence can promptly be obtained by raising pigs or poultry, or by cultivating gardens. But immigrants with some capital, willing to engage in the cultivation of coffee, cacao, etc., may be said to be sure to make a little fortune at the end of a few years. Skilled labor of all kinds also finds an unlimited field in Guatemala. The fact is well established that no person has ever left the country for lack of opportunity to invest his capital, or for having failed to obtain lucrative employment.

Foreign immigration is promoted and encouraged by the Government in every possible way. Its importance is fully recognized and appreciated, and no effort is spared to make it a success.

The following is the full text of the Immigration Law promulgated on January 25, 1896.

IMMIGRATION LAW.

Chapter I.—Immigrants and their Classification.

Article 1. Foreign immigration shall be regulated by the provisions of the present law, and by such other provisions as may be enacted hereafter for its proper enforcement.



Cathedral, Guatemala City.

Art. 2. No immigration contract shall be entered into with any Chinese, nor shall any of the latter be accepted as an immigrant. No people, of whatever country, over sixty years of age, unless coming with their families, or having their families already established in the country; convicts sentenced in their respective countries to imprisonment with hard labor for crimes or offences, not political; and persons who lack such requirements of good health and morals as are necessary, shall be also refused admission as immigrants.

Art. 3. Immigrants shall be, for the purposes of the present law, all those foreigners having a profession, occupation, or trade, whether day laborers, artisans, workingmen in factories, farmers, or professors, who give up their own homes to come and settle in Guatemala, and accept their transportation from the place of embarkation to the place of landing, to be paid either by the Guatemalan Government or by an immigration company.

Art. 4. Immigrants shall be also those foreigners whose transportation to the country was not paid as set forth in the preceding article, but whose desire to enjoy the benefits secured by this law, as well as to comply with the duties which the same imposes, has been voluntarily set forth and declared previous to their embarkation, before the Consul of Guatemala at the respective places.

Art. 5. Immigrants are classified as follows:

I. Immigrants without contract, seeking occupation in the country.

II. Immigrants under contracts with private immigration companies.

III. Immigrants under contracts with the Government of the Republic.

The transportation of immigrants of the first and third class above named shall be at the expense of the Nation; that of those of the second class shall be paid by the companies.

Art. 6. Immigrants under contract with the Government, or with private immigration companies, shall be bound to comply with the stipulations of the said contracts, provided, however, that there is nothing in them contrary to morals, good habits, or the laws of the Republic.

Chapter II.—The Board of Immigration.

Art. 7. A board to be called Central Board of Immigration (Junta Central de Inmigración), to consist of two planters, two merchants, and two master workmen, and to be a dependency of the Department of "Fomento," shall be established in the Capital of the Republic.

Art. 8. The duties and the powers of each one of the members of this board shall be determined by special by-laws. The salaries to be paid them and the employés of the board shall be fixed by the Appropriation Bill.

Art. 9. The Central Board of Immigration shall have the power to establish at any Capital or Capitals of Department, and at any port or ports of the Republic, a sub-board or local board of immigration, consisting at the most of three persons, a farmer, a merchant, and an artisan, whom it shall select out of the most competent and respectable people of the locality.

Art. 10. The duties and obligations of the Central Board of Immigration shall be as follows:

I. To recommend to the Government, after the proper discussion, the adoption of such measures as may be calculated to attract to the country that kind of immigration which, under the circumstances of the Republic, is deemed most useful and acceptable.

II. To keep itself in active communication with the Consuls of the Republic in all foreign countries, so as to make the people of the latter well acquainted with the condition of Guatemala, its habits and ways of living, its arts and industries, the diversity of its climate and productions, and the facilities for acquisition of public lands.

III. To maintain direct relations with the sub-boards or local boards of immigration, and with the authorities of the Republic, on all matters connected with the promotion of immigration, and such a reasonable distribution thereof as is necessary to make it useful and profitable.

IV. To enter into contracts with one or more navigation companies for the transportation of immigrants to the ports of the Republic; said contracts, however, to be submitted to the Gov-

ernment for the proper approval. Nothing in this provision is to be construed as abridging the power of the Government to enter directly into the said contracts with whomever it may deem advisable.

V. To arrange with the immigration agents and the companies in charge of piers and railroads for the prompt landing and transportation to their respective destinations of both the immigrants and their baggage.

VI. To see that the steamship companies, with which contracts have been entered into for the transportation of immigrants, faithfully perform their part of the contract.

VII. To solicit by all means within its reach the prompt employment of the immigrants.

VIII. To keep a Book of Registry, on which the proper entry shall be made chronologically of the arrival of each immigrant, his name, age, sex, nationality, trade or occupation, degree of learning, and whether married or single.

IX. To submit every month to the Secretary of "Fomento" a report of the work done in that period; and every year, and to the same official, a general report stating the number and class of immigrants which have arrived in the country during the same period, their profession or occupation, and the profit which the Republic has derived therefrom. The said annual report shall contain also such suggestions and recommendations which may be deemed proper as to the class of immigration which might be promoted to the best advantage, expressing the obstacles which have thus far been encountered by the board, and explaining the means which in its judgment might be successfully employed to invigorate immigration.

Chapter III.—Rights and Privileges of the Immigrants.

Art. 11. In order to encourage and promote immigration the Government of the Republic shall lend the immigrants arriving in the country without contract, the following assistance:

I. It shall pay for their transportation from the port of embarkation to the place of landing.

It may also, if deemed by it advisable, pay for their transportation by land from the place where the immigrant had his residence to the port of embarkation.

II. No import duties shall be levied on the wearing apparel and baggage of the immigrant, their house furniture, agricultural instruments, tools or implements of the trade, occupation or profession in which he is engaged, seeds and domestic animals; but due judgment shall be exercised to ascertain that all the above-named articles are bought by the immigrant for his own immediate daily use, and not for commercial purposes.

III. No consular duties, including passport fees and the fees of the certificate with which they must have provided themselves setting forth their condition, shall be paid by them.

The transportation of immigrants belonging to classes first and third, from the port of landing to the place of destination, shall be paid respectively, as the case may be, by the Government or by private companies.

Art. 12. The Government of the Republic shall, whenever it may deem so advisable, grant gratuitously to any immigrants of the three classes above named, who have behaved well and given proof of their assiduity, lots of public lands of no less than two hectares, and no more than six, in either the department of Petén or those of Izabal or Huehuetenango, provided that said immigrants bind themselves to cultivate, within at least two years, the third part of the granted lot. Upon the fulfilment of this condition the Executive shall issue in favor of the grantee the patent or final title papers which shall prove the ownership.

Art. 13. For the purposes of the preceding article the Executive shall cause the proper tracts or zones of tillable land to be set apart in each department therein named, and said zones shall be kept in reserve for the exclusive use of the immigrants.

Art. 14. Immigrants shall enjoy in the Republic all the rights and privileges granted by law to Guatemalan citizens. They shall be exempted during their whole life from serving municipal offices, unless voluntarily accepted. They shall also be exempted from military service, except, however, in case of foreign war.

Art. 15. Immigrants shall also be exempted for four years, to be counted from the date of their arrival in the Republic, from service in the construction or repair of the public roads, and from the payment of municipal taxes.

Chapter IV.—Duties of the Immigrants.

Art. 16. All immigrants are bound by duty, from the date of their arrival in the country, to obey the laws of the Republic, and to obey and respect the authorities.

Art. 17. When coming under contract, either with the Government or with private companies, immigrants shall be bound to comply with the stipulations of the contract; but no contract shall be operative for more than four years, nor can any be enforced, as previously stated, if containing provisions in conflict with the laws of the country.

Art. 18. When acquiring lands, under the provisions of article 12, immigrants shall also be bound to cultivate one-third of the tract granted, under penalty, by not doing so, of having their grants forfeited, and the said forfeiture shall be no ground for diplomatic claims.

Chapter V.—Immigration Agents.

Art. 19. Guatemalan Consuls, at any place, whether of Europe or America, shall become, under the present law, and whenever the Government may deem it fit, Immigration Agents.

Art. 20. The duties and powers of these agents shall be as follows:

I. To make, by all means within their reach, active and efficient propaganda in favor of emigration to the Republic of Guatemala; to cause the physical and political features of the country, as well as diversity of its climate and productions, the present condition of its arts and industries, its means of communication, the advantages which it offers to industrious immigrants, the facilities for the acquisition of lands, the prices for provisions and articles of consumption, and of the products of labor, and all other pertinent facts, to be well known in their districts.

II. To furnish gratuitously all such information about the condition of the Republic as may be asked from them.

III. To certify about the conduct and aptness of all persons coming as immigrants to Guatemala, or authenticate certificates of the same character issued by the authorities of the country wherein they reside. No fee shall be charged by the Consuls or

Immigration Agents, on account of their service, under penalty of dismissal from service.

IV. To see that the contracts entered into by the Central Board of Immigration, or by the Government, with any steamship company for the transportation of immigrants are faithfully complied with.

V. To intervene, according to instructions given them to that effect by the Central Board of Immigration, in all contracts for the transportation of immigrants.

VI. To pay, when so instructed by the Central Board of Immigration, or by the Secretary of "Fomento," the fares of the immigrants.

VII. To provide with transportation tickets all such persons as may desire to come to Guatemala as immigrants, subject, however, to the stipulations of the contracts which may have been entered into with navigation companies.

VIII. To report every three months the number and amount of the fares paid and of the transportation tickets issued by them in that period.

IX. To enter, under instructions of the Central Board of Immigration, or of the Secretary of "Fomento," into contracts with any navigation company or companies for the transportation of immigrants.

X. To keep two books, one for the recording of everything done by them for the promotion of immigration; and another on which, by order of dates, the name, age, profession or occupation and nationality of each immigrant, as well as the name of the ship on which he came, shall be entered.

XI. To submit every year to the Central Board of Immigration a report setting forth the number and the quality of the immigrants sent to the Republic, the causes and circumstances which in their opinion render immigration difficult, and the means which can be used to remove these obstacles, or otherwise promote it efficiently.

XII. To receive such correspondence as may be sent to them by the Central Board of Immigration, and forward it rapidly and safely.

Chapter VI.—Offices.

Art. 21. The duties and powers of the Central Board of Immigration, and of the sub-boards which may be established, shall be as follows:

I. To secure, by all possible means within their reach, prompt and profitable occupation with persons of recognized respectability for all immigrants arrived in the Republic.

II. To attend to any requisitions for immigrants made from them either by the Government or any private company, provided that the expenses to be incurred for that purpose shall be paid in advance either by the Government or by the company.

III. To see that the contracts entered into by private parties with the immigrants be faithfully complied with, and to intervene, if so requested, in the making of the same contracts.

IV. To enter upon a special registry the employment secured each immigrant, setting forth the class of employment obtained for him, the date on which it was obtained, the terms agreed upon with the employer, and the names of both employer and employé.

Art. 22. The Political Chiefs, Commandants of Ports, Political Commissioners, or Mayors of the localities where no immigration office exists, shall perform respectively, as the case may be, the functions entrusted to the said office under the present law.

General Provisions.

Art. 23. All laws and provisions of all kinds, which may be at variance with the present law, are hereby repealed.

Art. 24. The Government shall recommend to the National Legislative Assembly, after consultation with the Central Board of Immigration, and when the practical results of the present law may firmly warrant it, such amendments and reforms as may be deemed conducive to hasten or increase immigration.

Art. 25. This law shall go into effect on the 1st of February, 1896.

WAGES AND COST OF LIVING.

The amount that a laborer, a workman, or an employé can earn daily cannot be stated accurately, as it varies according to the lo-

cality wherein the laborer is settled. The rates depend also upon the kind of work or occupation, the skill of the laborer, the competition, the resources, requirements, and customs of the place, and other circumstances; but in no case are the wages insufficient to provide for a modest living and to enable a sober and economical man to save at least half of his earnings.

The *Guía del inmigrante en la República de Guatemala* (The Immigrant's Guide in the Republic of Guatemala), published in 1895, contains the following list of wages:

Bakers, \$60 to \$100 per month; blacksmiths, \$1.50 to \$3 per day; cabinet makers, \$4 to \$10 per day; carpenters, \$1.50 to \$5 per day; coachmen, \$20 to \$60 per month; cooks, \$30 to \$100 per month; day laborers, 75c. to \$1 per day; hotel waiters, \$15 to \$30 per month; hotel bell boys, \$10 to \$20 per month; masons, \$1.50 to \$2.50 per day; painters, \$1.50 to \$2.50 per day; printers, \$2.50 to \$8 per day.

The salaries paid to managers of plantations vary from \$100 to \$300 per month; those paid the stewards on the plantations vary from \$25 to \$100 per month.

The wages paid the farm hands and journeymen vary from 31c. to 75c. per day.

The same book publishes the following list of prices now paid in Guatemala for the principle articles of consumption:

Maize, \$7.50 per bag of 175 pounds; foreign potatoes, \$5 per box of 115 pounds; rice, \$3.75 per package of 50 pounds; foreign flour, \$9.25 per 100 pounds; domestic flour, \$9.25 per 100 pounds; maizena, \$7.50 per package of 25 pounds; chick-peas, \$6 per package of 25 pounds; Castille pepper, \$32 per 100 pounds; salt, \$5 per 100 pounds; barley, \$50 per ton; alfalfa, \$70 per ton; sugar, \$13.50 per 100 pounds; Muscovado sugar, \$8 per 100 pounds; panela (unrefined sugar), white, \$18 per load; panela (unrefined sugar), black, \$14 per load; cominos, \$32 per 100 pounds; liquid called *gas blanco*, \$10 per box; coffee (gold), \$32 per 100 pounds; cacao, superior quality, \$69 per 100 pounds; cacao, middle quality, \$62 per 100 pounds; cinnamon, \$100 per bundle; stearine, \$10 per box; incense, crude, \$52 per 100 pounds; fruits in their own juice, \$13.50 per 100 pounds; oil paints, \$36 per 100 pounds; sewing machines, \$35 to \$55 each; tar, \$10 per can; linseed oil,



Avenue of Cocoanut Trees.
Being the entrance of a sugar estate.

\$16 per can; bags for the coffee called "gold," \$4.50 per dozen; bags for the coffee called "en pergamino," \$5.35 per dozen; beans, \$11 per "fanega;" wood for fuel, \$1.25 per load; fresh beef, \$5 per 25 pounds; lard, \$9 per 25 pounds.

It must be stated that the above prices are those paid in the Capital of the Republic, and that these prices are considerably lower elsewhere in the country. Maize and rice are worth in the department of Santa Rosa 75 per cent. less than in the city of Guatemala; and the same may be said, more or less, in regard to all other articles of consumption.

Prices of Agricultural Material.

The prices paid at the Capital of the Republic for agricultural material are as follows:

Barbed wire for fences, \$11.50 per 100 pounds; plows, \$8 to \$40, according to class; spades, \$11, \$12, \$14 and \$16 per dozen; sulphur, \$3 per 25 pounds; iron buckets, \$12, \$15 and \$18 per dozen; Portland cement, \$12 to \$14 per barrel; wire nails, \$20 per 100 pounds; iron nails, \$20 per 100 pounds; *cuartas* for carts, \$6, \$8 and \$15 each; manilla rope, \$40 per 100 pounds; shelling machines for maize, \$20 to \$80 each; axes, 3½ pounds in weight, \$3 each; axes, 4½ pounds in weight, \$5 each; iron bars, \$28, \$32, \$38 and \$40 per 100 pounds; iron, plated, \$12 per 100 pounds; zinc, corrugated plates for roofing, \$2.50 to \$3 each; shovels, iron, \$16 to \$18 per dozen.

PUBLIC INSTRUCTION.

The Government not only supports and promotes primary instruction (making it obligatory between the ages of six and fourteen years, but also encourages a higher standard of scholarship by supporting colleges and universities, and awarding premiums to all those who distinguish themselves in professional and technical teaching.

In 1894 there were 1,360 primary schools, including kindergartens but excluding night schools. The attendance of the day schools was 61,775 scholars. The management, utensils, textbooks, and prizes are paid for by the Government.

The Government also aids different localities in building school houses. Public schools are found not only in the large towns, but also in the smallest villages. On plantations the proprietors are compelled to establish them where there are more than ten children within their limits. "The object of the schools," says the law, "is to form men with sufficient instruction and morality to be worthy members of a free and republican society."

Higher instruction is imparted in the Capital by the National Institute for men (502 scholars), and the National Institute for young ladies (305 scholars). In Quezaltenango there are two Institutes of the same class, and two in Chiquimula.

To each one of these six Institutes a normal school or department is attached, but in Guatemala there is also a thoroughly organized Normal School for Young Ladies. The cities of Antigua, San Marcos and Mazatenango have also normal schools for young men.

Professional education is imparted in Guatemala in the Law School, Engineering School, and the School of Medicine. In Quezaltenango there is also a Law School. These establishments are supported by private funds, but aided by the public treasury when necessary. They require a total expenditure of over \$50,000.

Private schools receive aid from the Government in certain cases, and under certain circumstances.

The National Conservatory of Music has now 174 pupils, and has already produced some noteworthy artists, a few of whom have been sent to Italy at the expense of the Government to complete their studies. The people of the country are naturally musical, and there are schools for this art in eleven towns of the Republic.

In the Capital there is also an Art School, where drawing, painting, engraving, sculpture, architecture, etc., are taught.

Book-keeping and kindred branches are taught in the Commercial College.

At the Capital, Quezaltenango, Huehuetenango and Chiquimula, there are Trades' Schools, where instruction is given to more than 500 scholars. A school of this description for women has more than 100 pupils, and is giving good results.

The amount originally appropriated this year by the National Legislative Assembly for public instruction was \$1,120,000, which proved to be insufficient, and the appropriation of an additional sum of \$66,270 was subsequently required. Since the 1st of January, 1895, 309 primary schools have been founded, in addition to all the others which were then in existence. The purpose of the Government is to spread primary instruction in every possible direction.

Libraries and Reading Rooms.

The Capital of the Republic has a National Library with 30,000 volumes and many unpublished documents concerning the ancient and mediaeval history of Guatemala. Its reading room contains all Guatemalan and many foreign newspapers and periodical publications. For a moderate subscription works are lent, and can be taken from the library. During the day and evening it is open to the public. In 1893, 9,163 readers were registered in it.

The Law School has a large library, consisting of works pertaining to the special branches taught in it. It is open in the morning and a portion of the afternoon.

The School of Medicine and Pharmacy has also a valuable library, which is constantly enlarged. It receives many medical publications in exchange for the important monthly magazine issued by it under the name of "La Escuela de Medicina."

The Engineering School has also a well equipped library.

The Supreme Court has a library of 5,000 volumes open to the public.

The National Central Institute for men has a library of 7,000 volumes. Visitors are admitted by permission from the Director.

The Central Academy of Teachers has a library of more than 3,000 volumes. The Normal School of Antigua has also a library.

Quezaltenango has a splendid public library, presented to the city by the Government, which paid for it \$30,000.

The library of San Marcos has 3,000 volumes, and that at Chiquimula is by no means unimportant.

Hardly a person of education can be found in Guatemala who

does not possess a library, sometimes very valuable. Reading rooms are found not only in the Capital, but in all important towns.

Printing and Publishing.

There are many excellent printing establishments in the Capital, the principal one being the National Printing Office—one of the best in Latin America. It is the property of the Government. Its value is estimated at \$350,000, including building, machinery, type, etc.

Six daily papers are published in the Capital: "Diario Oficial," a Government organ; the "Diario de Centro-América;" "La República;" "La Nueva Era;" "El Progreso Nacional;" and "La Nación." "La Asamblea Legislativa" is a paper published daily during the session of the legislative body, and is equivalent to the Congressional Record of the United States. "La Gaceta de los Tribunales" is a bi-monthly publication, containing the decisions of the Supreme Court. Besides these there are 28 papers published in different parts of the Republic.

CHARITABLE INSTITUTIONS.

Charitable institutions, supported by the Government and by private persons, are numerous in Guatemala.

The General Hospital of Guatemala City occupies an ample and beautiful building, which is furnished with everything required for an establishment of its kind by the most recent medical and surgical improvements.

Patients are received at all hours. In 1893 9,910 patients received attention. Only 434 died. The expenditures amounted to \$208,062.28. There is also a sanitarium attached to the General Hospital, where for \$2 a day the best attention is obtained.

The Insane Asylum is a well equipped establishment.

There is a Military Hospital; a Hospital for Leprosy, called El Asilo de Piedad (The Home of Mercy); a Model Hospital for women; and a Hospital for epidemic diseases.

In other parts of the Republic there are analogous institutions, the most important of which are:

The General Hospital of the West, in Quezaltenango, and the Hospitals of Antigua, Amatitlán, Escuintla, Chiquimula, Retalhuleu and Cobán.

There are establishments in the Capital devoted to the care of orphans, where they are protected, educated, and taught some trade. The Asylum for boys has more than 300 inmates, while that for girls contains a greater number.

Quezaltenango has some institutions of the same kind, and in every principal city of the Republic there are also beneficent aid societies, both native and foreign.

CHAPTER VI.

HOW TO REACH GUATEMALA.—STEAMSHIP COMMUNICATION WITH THE UNITED STATES OF AMERICA AND THE REST OF THE WORLD.—FARES AND RATES OF FREIGHT.

Guatemala can be reached from the United States by five different ways:

1st. *From New York to San José, via Panamá.* The steamers of the "Panamá Railroad Steamship Line" leave New York, Pier 57 North River, on the 10th, 20th and 30th of each month, reach Colón seven days afterwards, and by means of the Isthmus Railroad connect in Panamá with the steamers of the *Pacific Mail Steamship Company*, which reach San José on the 28th, 4th and 15th of each month.

The trip takes from 15 to 18 days.

The fare for first class passengers is \$120.

Schedules, showing rates of freight, can be obtained at Pier 57, North River, New York City.*

2d. *From San Francisco, California, to San José.* The steamers of the "Pacific Mail Steamship Company" leave San Francisco on the 8th, 18th and 28th of each month, and reach San José on the 24th, 5th and 15th following.

The trip lasts from 14 to 17 days.

The fare for first class passengers is \$75; second class, \$35.50.

*Note.—During the Central American Exposition this line will charge for the articles sent there the ordinary freight, but will charge nothing for the articles returned from the Exposition to the original port of embarkation. This is equivalent to a reduction of fifty per cent. No rebate is made in the passenger rates.

Schedules, showing the rates of freight, can be obtained at the office of the company in San Francisco.*

3d. *From New York to Puerto Barrios, on the Atlantic Coast.* The steamers of the "Atlas Line Steamship Company" leave New York every alternate Tuesday, and touch at certain points in Haiti before reaching Puerto Barrios; but the passengers may, if they wish, hasten their trip by taking, at New York, the steamer which goes directly to Kingston, Jamaica, on the next Saturday, and then taking there the steamer to Puerto Barrios. By doing this the trip is shortened, and will take eleven days.

The fare for first class passengers is \$70.

Information about the rates of freight can be obtained at the company's office, 24 State street, New York City.†

4th. *From New York to Puerto Barrios, on the Atlantic Coast.* The steamers of the "New York and Central American Steamship Line" leave New York for Puerto Barrios twice a month, touching at Kingston, Jamaica, before reaching Puerto Barrios.

The trip takes about ten days.

The fare for first class passengers is \$70.

Information about freight can be obtained at the office of the company, 9 Stone street, New York City.‡

5th. *From New Orleans to Puerto Barrios.* The steamers of the "New Orleans, Belize Royal Mail and Central American Steamship Company, Limited," leave New Orleans every Thursday, and reach Puerto Barrios on the following Tuesday.

The trip takes five days.

The fare for first class passengers is \$30; steerage, \$18.

Information about freight can be obtained at the office of the company at New Orleans.§

*Note.—The remarks made in the preceding note, in regard to the rates of transportation of articles and passengers, are applicable to this second route.

†Note.—This company will make a rebate of fifty per cent. on the freight and passenger rates during the Central American Exposition.

‡Note.—This line will make a discount of twenty-five per cent. on freight and passenger rates during the Central American Exposition.

§Note.—During the Central American Exposition the fare on the steamers of this line will be \$25 for first class passengers and \$15 for steerage. A reduction of thirty-three and a third per cent. of the ordinary rates of freight, will be granted on articles sent to the Exposition,

Trip to Guatemala.

Guatemala City, the Capital of the Republic, can be reached on the side of the Pacific, from the port of San José, by means of the Central Railroad. The distance is 74.5 miles. The first class fare is \$6 in Guatemalan currency; second class, \$3.

Guatemala City can be reached also on the side of the Atlantic, from Puerto Barrios, by means of the Northern Railroad, as far as Rancho de San Agustín, a distance of 129 miles; and from there, a distance of about 60 miles, on horseback. The approximate cost of the trip this way is \$20 in gold.

Guatemala can be reached from Europe directly, either on the Atlantic side or on the Pacific, by way of Cape Horn.

On the side of the Atlantic there are the steamers of the *Royal Mail Steamship Company*, of Southampton; *Compagnie Generale Transatlantique*, of St. Nazaire, France; the *Hamburg-American Steamship Company*; the *Compañía Transatlántica*, of Barcelona; the *Compañía de las Antillas y del Pacífico*; the *Harrison Line*, of Liverpool; and the *Veloce*, of Genoa.

The trip this way is made via Colón, where the passengers may either cross the Isthmus and go from Panamá to San José, by the steamers of the Pacific lines, or be transferred to Puerto Barrios by the steamers of the Atlantic lines.

The steamers of the *Royal Mail* arrive at Colón every other Monday; those of the Transatlantic reach there from Marseilles on the 9th, from Havre and Bordeaux on the 19th, and from St. Nazaire on the 29th of every month. The steamers of the *Hamburg-American Company*, from Hamburg, Havre, etc., arrive on the 4th, 12th, and 23d of each month; those of the *Spanish Transatlantic*, from Santander, on the 19th; those of the *Compañía de las Antillas y del Pacífico*, and of the *Harrison Line*, of Liverpool, every fourteen days.

On the side of the Pacific there are directly from Europe the two lines called *Kosmos* and *Kirsten*. Their steamers take fifty days to make the trip from Hamburg to San José, via Cape Horn.

The fares on the *Kirsten Line*, whose agents in the Republic are Messrs. Frederick Keller & Co., are as follows:

First Class.

From San José to Panamá, \$90 silver; from San José to Callao, £25; from San José to Valparaiso, £30; from San José to Montevideo, £50; from San José to Hamburg and London, £75.

Second Class and Steerage.

Second class and steerage passengers are not admitted on all the steamers, and when admitted the fare is arranged between them and the captain.

The fares on the *Kosmos Line*, from any port of Central America to Europe or South America, are as follows:

From a port of Central America to either London or Hamburg, first class, £75; second class, £45; to Valparaiso, first class, £30; second class, £20; to Callao, first class, £25; second class, £15; to Montevideo, first class, £50; second class, £35.

Children under ten years of age, with their families, two of them sleeping in the same bed, shall pay half fare.

Infants free.

Servants allowed to be in the cabins shall pay two-thirds fare.

Dogs from Central America to Valparaiso or Montevideo, £5; to Europe, £10.

Fares do not include wines or liquors.

Each first class or second class passenger is allowed twenty cubic feet of baggage free. Children's baggage shall be allowed in proportion. Baggage in excess of this shall be charged 2s. 6d. per English cubic foot for Europe, and 1s. 6d. per English cubic foot for Valparaiso and Montevideo.

Tickets are strictly personal, are to be paid in advance, and are valid only on the steamer for which they were issued.

Persons suffering from certain diseases, insane persons, and others whose presence on board would be a source of disturbance, shall not be admitted.

Dogs are admitted only when their owners are on board and agree to care for them. The animals must go in their own cages.

The agents for the Kosmos Company at Guatemala are Messrs. Furrer, Hastedt & Co.

Wharves and Agency Companies.

The Wharf Company, at San José, collects from each passenger, on landing, with 100 pounds of baggage, the sum of \$1, and fifty cents for each additional hundred-weight. On exportation of cacao, india rubber, Peruvian bark, vanilla, sarsaparilla, deer, goat or sheep skins, thirty-two cents per hundred-weight; coffee, twenty-five cents; native brandies, ten cents; sugar, refined or unrefined, four cents; timber of all kinds, per 1,000 feet, \$3.

The Agency Company, Limited, of San José de Guatemala, collects \$1 from each person landing, allows 100 pounds baggage, and charges one cent a pound for excess. On exportation the charges per 100 pounds are: On sugar, twelve and a half cents; on native brandies, twenty cents; on coffee, thirty cents; on cacao, thirty cents; on india rubber, fifty cents; on hides, fifty cents; on woolen goods, fifteen cents. Beginning with the 1st of January, 1895, a reduction of thirty per cent. will be made in this tariff.

The Wharf Company, of Champerico, lands passengers free of charge and collects twenty-five cents for each hundred-weight of merchandise or fraction thereof. On exportation the charges per 100 pounds are: On clean coffee and cacao, thirty-two cents; on indigo grain, india rubber, and woolen goods, fifty cents; on coffee in hull, twenty-seven cents; on rice, sugar, cereals, provisions, and baser metals, twelve cents.

The Agency Company, of Champerico, Limited. Passengers with 100 pounds baggage, \$1; excess one cent per pound. On exportation the charges per hundred-weight are: On clean coffee, thirty cents; on coffee in hull, forty-five cents; on deer skins, fifty cents; on india rubber, fifty cents; on hides, at twelve and a half cents each.

Ocós and other ports have several analogous companies, and lately an agency company has been established at Puerto Barrios.

RAILROADS.—WAGON ROADS.—STAGE LINES.

There are already two railroads in operation in Guatemala: One called the Southern (Ferrocarril del Sud), and the other the Western (Ferrocarril Occidental). A third railroad, called the Northern, is now in process of construction.

The Southern Railroad, also called the Central, connects the Capital with the port of San José, and is 75 miles long.

The regular train leaves San José at 9.30 a. m., reaches Escuintla at 11.50, remains there thirty minutes, and arrives in Guatemala at 4.40 p. m. This line is one of the best in Spanish America, on account of its excellent construction, the good quality of its rolling stock, its first class service, and the beauty and good accommodations of its different stations, especially those of San José, Escuintla, and Guatemala.

This line is the principal means of transportation in the entire southern, central and western sections of the Republic. It belongs to an American company. The Western Railroad (*Ferrocarril Occidental*) is 41 miles long, and connects the port of Champerico with San Felipe.

This road transports the greater part of the coffee of this very rich region, and all foreign merchandise introduced in the western departments. It is owned by native capitalists, and is projected to Quezaltenango.

A branch of the Southern Railroad, from Escuintla to Patulul, is nearly finished. It will permit rapid communication between the Pacific and one of the most important agricultural zones of the department of Sololá.

A line is also in operation from the port of Iztapa to Naranjo station on the Central Railroad.

The Northern Railroad, not yet finished, starts from Puerto Barrios and will end at Guatemala City. A section of this road, 129 miles long, from Puerto Barrios to Rancho de San Agustín, has been opened to the public service. The work is also going on from the other end, at the Capital. This road, when connected with the Southern, will form an inter-oceanic line. It is being built by contract at the expense of the Government. When completed Guatemala City will be but twelve days from Europe and only four days from the United States.

The Government encourages, by means of privileges, liberal subsidies, and otherwise, the construction of railroads in the country.

A concession for the construction of a railroad in the department of San Marcos, between Ocós and Santa Catarina, and another for a line of either steam or electric cars from Tukurú to Panzós, both intended to facilitate commerce and agriculture,

have been granted by the Government. The last mentioned line will fill a long felt need, as it opens communication between Cobán, a great commercial and agricultural center of the north, and the port of Livingston, which is connected with Panzós by a line of river steamers on the Polochic, the lake of Izabal, and the Dulce river.

The project for running an electric line from Palín (on the Southern R. R.) to Chimaltenango, an exceedingly productive center, with a branch to Antigua, is under consideration.

The preliminary surveys for the great Intercontinental Railway, which will connect from one end to the other the three Americas, have been completed in Guatemala.

Roads and Stage Lines.

The principal cities of each department are connected with each other, the Capital, and the ports, by means of wagon roads and stage lines. The most important of these roads are the following:

From Guatemala to Quezaltenango; from Quezaltenango to San Marcos; from Quezaltenango to Retalhuleu; from El Rodeo to Ocosingo; from El Rodeo to Caballo Blanco; from Retalhuleu to Mazatenango; from Escuintla to Santa Lucía; from Guatemala to San Antonio; from Guatemala to La Antigua; from La Antigua to Escuintla; from Guatemala to Mataquescuintla; from Cobán to Panzós; from Chiquimula to Zacapa; from Zacapa to Gualán; from Guatemala to Jalapa; from Guatemala to San José de Guatemala.

Some others are now in process of construction.

For the construction and keeping in good repair of these roads each male inhabitant of the country (if foreign, after one year's residence) must contribute \$2, or four days' work annually.

There are stage lines between the Capital and Quezaltenango and Antigua; but taking the train to Palín (Southern R. R.) the traveler from the Capital would have a much shorter stage ride from that station to Antigua, as a road is about completed between those two places.

It is highly probable that at a not very distant day all the cities of importance will be connected by railroads.

CHAPTER VII.

POSTAL, TELEGRAPHIC AND TELEPHONIC SERVICE.

Postal Service.

Guatemala joined the Universal Postal Union the 1st of August, 1881.

The postal service of Guatemala is active and meets all modern exigencies. There are in the Republic 228 post offices. The expenses of this department in the year 1895 were \$225,328.27.

The rapid growth of the service can be shown by comparing the figures representing the total movement of postal matter in 1871 with the present movement. The figures of 1871 were 102,089, while the figures of 1893 were 9,106,712.

The tariff for international postal service between Guatemala and any other country belonging to the Universal Postal Union is as follows:

Ordinary letters of 15 grams or fraction, ten cents; business or printed papers, every 50 grams or fraction, two cents; samples, from 1 to 250 grams, ten cents; samples exceeding this weight pay letter postage. Registered letters have a fixed rate of fifteen cents over and above the ordinary postage.

The rates of domestic postage are as follows:

Letters, five cents for each 15 grams or fraction; printed matter, one cent for every 50 grams or fraction; packages, twelve and a half cents for every 250 grams or fraction; samples, if not weighing over 250 grams, ten cents; if exceeding this limit, the same as packages.

Packages to other Central American Republics pay twenty-five cents for every 250 grams or fraction.

Newspapers in Guatemala, and from Guatemala to other Central American countries, are free from postage.

Postage on letters or printed matter, to be delivered in the same city or town, is at the rate of one cent per each 100 grams.

Telegraphic Service.

The first telegraph line, between the Capital and San José, was opened on the 15th of March, 1873. On the 31st of December, 1895, the length of the telegraphic lines in operation was 2,847 miles.

The service consists of 144 offices and 525 employés.

The number of telegrams transmitted in 1895 was 722,807. The expenses of this service during the same year amounted to \$307,680.89.

The telegraphic rates are now as follows:

Messages to any part of Guatemala, or to any Central American Republic, twenty-five cents for the first five words, and twelve and a half cents for each additional five words.

Submarine Cable.

No direct communication by cable between Guatemala and the rest of the world existed before 1893. Cable messages had to be sent to La Libertad (Republic of Salvador) to be transmitted from there to their respective destinations. But on the 19th day of July, 1893, a cable having been laid by the Government at considerable expense, between the port of San José and the regular cable station, direct communication was established.

The rates charged by the Central and South American Telegraph Company, all payable in gold, are as follows:

From San José de Guatemala, by way of Galveston, to the United States, fifty cents per word; to Great Britain, France, and Germany, seventy-five cents; to Austria-Hungary, eighty-four cents; to Switzerland and Belgium, eighty cents; to China, \$2.46; to Denmark, eighty-five cents; to Egypt, \$1.16; to Gibraltar, ninety-three cents; to Holland and Italy, eighty-two cents; to Japan, \$3.36; to Norway, eighty-five cents; to Russia (in Europe), ninety-three cents; to Russia (in Asia), \$1.38; to Spain, ninety

cents; to Turkey (in Europe), ninety-three cents; to Turkey (in Asia), \$1.04.

The rates for messages to the West Indies, Mexico, South and Central America, payable in silver, are as follows:

To the Argentine Republic, \$1.50 per word; to Bolivia, \$1.85; to Brazil, \$1.50; to Chile, \$1.70; to Ecuador, \$1; to Uruguay, \$1.65; to Paraguay, \$1.65; to Peru, \$1.85; to Colombia, from forty to eighty cents; to Costa Rica, twenty-five cents; to Honduras and Nicaragua, twenty cents; to Salvador, from fifteen to twenty cents; and to Mexico, thirty cents.

Telephonic Service.

In the Capital and in Quezaltenango telephonic service, both inside the same cities and between them and the neighboring towns and plantations, has been established by private companies, to which the Government has granted many privileges. The rent for each machine is \$5 per month, but six months' rent must be paid in advance at the time of putting it in.

CHAPTER VIII.

GOVERNMENT EXPENSES.—GOVERNMENT RECEIPTS.—PUBLIC DEBT.—TAXATION.

According to the report submitted in March, 1896, by the Secretary of the Treasury of Guatemala to the National Legislative Assembly, the expenses of the Government during the year 1895 amounted to \$15,515,081.23, out of which \$1,795,344.66 were disbursed for the benefit of public instruction. The Department of *Fomento* expended \$1,086,184.71, in addition to \$900,000 which was paid to the Northern Railroad. About \$6,000,000 were required to attend to the service of the public debt and meet other obligations.

The receipts during the same year amounted to \$15,601,693.20. Out of this amount the Custom House yielded \$8,765,456.66, the liquor and other monopolies \$3,692,824.19, and general taxation \$2,053,834.31.

The yieldings of the Custom House have been constantly increasing.

The outstanding amount of the foreign debt (*Deuda exterior*), according to the last report (March, 1896) of the Secretary of the Treasury, was \$11,492,500. This debt consists now of what is called "the 4 per cent. consolidated debt," amounting to \$8,000,000, resulting from the unification of all debts standing in May, 1895, and of what is called "The Müller & Thompson Loan," amounting to \$3,492,500.

The outstanding amount of what is called *Deuda interior* (internal or domestic debt), including capital and interest up to the date of the report above mentioned, was \$5,209,253.19. This amount represents all Treasury notes, Central American Exhbi-



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tion bonds, judicial and other deposits, and all domestic loans and obligations of all classes.

Under the law (December 16, 1895) all taxation in Guatemala consists of the following:

Customs, under the head of duties on imports, duties on exports, reshipping dues, port dues, and storage dues.

Monopolies, under the head of licenses for the sale of *aguardiente* by wholesale, licenses for the sale of liquor by retail, licenses for the manufacture and sale of *chicha*, licenses for the sale of cigars by wholesale, licenses for the sale of cigars by retail, licenses for deposit and storage of cigars, licenses for the sale of gunpowder, licenses for the sale of saltpeter, licenses for the sale of cartridges.

Ordinary taxes, under the head of stamped paper, Government stamps, stamps on commercial books and documents, tax on real estate, military contribution, contribution for building and repairing roads, tax on inheritances and gifts or donations, tax on transfer: of real estate by purchase or exchange, tax on slaughter houses, and tax on salt.

In addition to the above sources of revenue there are the following:

Government fees to be paid in sales of public lands, interest saved by redeeming *censos* (a kind of mortgage similar to the ground rents of the United States of America), pension fund, fees for the concession of patents of invention, exemption from rendering personal service, fines, and "extraordinary revenue."

The tariff of Guatemala, in force ever since January 1st, 1894, amended and supplemented on December 23d, 1895, contains 3,000 items, distributed under fifteen headings, as follows:

I. *Forbidden articles*. This section embraces fourteen items, namely: Apparatus for coining money; fire arms, breech-loading or repeating, of calibers .58, .50, .44, and .43; balls and bullets (iron or lead), bombs, grenades, and all other projectiles of war. cannons and pieces of artillery; carbines, rifles, or muskets of the class used by the National army; cartridges for rifles, fowling-pieces, and revolvers of all kinds and calibers; gunpowder of all classes; counterfeited money; nitrate of potash or saltpeter, in quantities exceeding 10 kilograms; nitroglycerine and dynamite; prints, engravings, books, or objects, obscene and contrary to

morals and good customs; rifles, Evans, Winchester, or Remington; tobacco leaf; whistles of the kind used by the police.

II. *Free list*, embracing 127 items, as follows:

Advertisements, printed, lithographed, or engraved on paper or pasteboard, without frame, provided that they are not intended for any other particular use.

Alphabets, wooden, of all classes, for schools.

Anchors and hauling lines.

Animals, live.

Animals, stuffed, prepared for cabinets of natural history.

Apparatus for the fabrication of gas lighting.

Apparatus, electrical, except the chemical substances used in the same, which are dutiable.

Apparatus and engines to put out fires (fire engines and appurtenances).

Areometers.

Argil, sand, or fine sand in natural state.

Articles imported by the Government, or the municipalities, for public service, or the service of charitable institutions.

Articles imported by the President of the Republic for his own use.

Articles imported by foreign ministers residing in the Republic, when for their own use or the use of their families, in quantities proportionate to the ordinary use, provided that the privilege is reciprocal and that the rules made on the subject are duly complied with. Secretaries of legations, consuls, and vice-consuls do not enjoy this privilege.

Asbestos, in fiber, or plate, in natural state.

Bags, empty, ordinary, of jute, pita, henequen, or manilla hemp, for exporting products of the country.

Baggage of passengers, the term being understood to mean articles of clothing and apparel for the individual use of the passenger, and such instruments, already used, as are indispensable for his art and trade, said articles and instruments in proportionate quantity; and manufactured tobacco in quantity not exceeding half a kilogram per person.

Bank notes.

Barometers.

Batteries (galvanic) and their pieces (salts and acids excluded), of all systems or authors.

Beans.

Boats, tackle, sails, chains, oars, and other equipments for vessels, for use in the ports, canals, rivers, and lakes of the Republic.

Books, printed, paper covered.

Bricks, fire, for foundry furnaces.

Buildings, frame or iron, complete.

Buoys of iron, with the apparatus to put them in their proper place.

Cable of iron or steel wire, of all thicknesses.

Capsules of porcelain or glass for chemical or pharmaceutical uses.

Carbons for galvanic batteries.

Cases of mathematical instruments and for blow pipe assays.

Catalogues of all classes, paper covered.

Cement, Roman, common lime, and hydraulic lime

Charts, geographical, topographical, and nautical.

Closets, inodorous, of all classes, except the piping thereof.

Coal, animal coal and charcoal, except when pulverized.

Codfish, or any other fish, dried, salted, or smoked, in barrels or other wooden containers.

Coke.

Collections, numismatic, geological, or of natural history, for museums and cabinets.

Compasses, mariners', of all classes.

Copy books, of samples for drawing, penmanship, or embroidery.

Cork, in plates, or unmanufactured.

Crucibles of all kinds and cupels.

Crystal, rock, not manufactured.

Cultures, or bacteriological preparations.

Drawings, patterns, and models, whether paper or pasteboard, for the arts.

Emery, in powder or in grain.

Engravings, made by Guatemalan artists residing abroad, their authenticity being proved, without frame.

Felt, for roofs.

Filters, of all classes, not specified, intended for domestic purposes.

Filters, Pasteur.

Filters of compressed coal.

Fragments of wrecked vessels.

Fruits, fresh.

Furnaces and other instruments of clay or graphite, for assays of metals.

Glasses, graduated, and probetas, whether graduated or not.

Glasses, plate, of all colors and sizes.

Globes, glass, for electric incandescent light.

Globes, terrestrial and celestial.

Gramma.

Grass, broom grass, or Spanish broom (*Esparto*).

Gold and silver, in bullion, in dust, and coined.

Guano, and all other natural or artificial fertilizers.

Guides (*guias*), or fuses for mines.

Hay, and all other forage, not specified.

Hides, not tanned.

Ink, printing.

Instruments (scientific), not specified.

Iron, in ingots or forged in bars, plates and square rods.

Lard.

Lightning rods.

Lights, for light houses or harbor lights.

Liquor (organic), Brown-Sequard's formula, for hypodermic injections, and liquors similar thereto.

Locomotives, wagons, cars, implements, and other railroad material.

Lumber, unmanufactured, in logs.

Machinery, electrical, and electrical batteries, not charged, to be used in the public service.

Magnet, native loadstone, or magnetized steel.

Maize.

Meats, smoked or salted.

Models for machines and buildings.

Molds, for making artificial flowers.

Newspapers, single numbers.

Oakum, for ships.

Oleic, acid, impure, for making soap.

Packings or wrappings, common, when the articles covered or protected by them are not appraised on the gross weight. In bundles or bales the wrapping cloth, oiled cloth, side boards and straps shall be considered as falling under the provisions of this item. The same will be the case with the zinc or tin lining, card-board, paper and casings, when not expressly assessed, and other articles dutiable under the present tariff shall not be deemed to be wrappings.

Palm leaf, for the manufacture of hats.

Papier mâché, for building purposes.

Patterns and samples for drawings, penmanship, and embroidery.

Peas (*guisantes*).

Pease (*garbanzos*).

Petroleum, crude.

Photographs, or views of the country, without frames.

Pitch, prepared, for ships.

Plants, alive.

Platinum, in bars or pieces, and in dust.

Plows of all kinds and the parts thereof, loose.

Porte-reactives, or portable pocket cases for chemical re-agents (*porta-reactivos*).

Portraits of persons residing in the country, without frames.

Potatoes, and all other similar alimentary roots.

Presses, printing and lithographing.

Pulp, wooden; rags, scraps, ravelling, and other refuse material for manufacturing paper.

Pumps, iron, of all classes.

Pus, vaccination, or cow-pox.

Quicksilver.

Rakes, for agricultural purposes.

Refuse, mineral (*brozas minerales*).

Rice, in grain.

Samples without commercial value, and those having some commercial value, if the duty to be levied on them does not exceed \$1.

Seeds, of flowers, vegetables, and others not specified.

Shovels (wooden), for agricultural purposes.

"Soy," or Japanese sauce.

Slates, or imitation thereof, for schools.

Slates, for roofing purposes.

Spatulas and spoons, and bars or rods of glass or porcelain to stir up corrosive liquids.

Stearine, in cakes.

Stills, metallic, holding less than half a gallon, for chemical operations.

Stones, grinding.

Stones, natural, of all kinds, not polished, for industries and manufactures, not specified.

Stones, precious, and fine pearls, not mounted.

Sulphur, native, in lumps.

Tallow, in masses or cakes, and melted.

Tar, of coal.

Thermometers.

Tiles, wooden or shingles, clay or glass, for roofing purposes.

Types, printing.

Vegetables, fresh.

Virus (diluted), as the antidiphtheric serum of Dr. Roeux, anti-rabic of Dr. Pasteur, and other diluted bacteriological preparations.

Wire, iron, galvanized, or copper, isolated, intended for electrical transmission.

Wire, iron, galvanized, smooth or barbed, for fencing purposes, and fasteners and stretchers therefor.

III. *Cotton goods.*

IV. *Linen goods.*

V. *Woolen goods.*

VI. *Silk goods.*

VII. *Iron articles.*

VIII. *Articles of copper, lead, tin, and their alloys.*

IX. *Articles of wood and wood and iron.*

X. *Hides, skins, leathers, manufactures thereof.*

XI. *Pottery, crockery, and glassware.*

XII. *Miscellaneous articles.*

XIII. *Paper, manufactures of paper, pasteboard, and stationery.*

XIV. *Wines, liquors, and feeding articles.*

XV. *Drugs, medicines, and articles pertaining thereto.*

Articles under headings from III to XV pay duties according to the weight (in most cases gross weight), except only in some instances of manufactured articles in which the duties are charged per piece.

A translation into English of the Guatemalan Tariff was published by the Bureau of American Republics in the month of June, 1894.

CHAPTER IX.

COMMERCE.—NAVIGATION.—STATISTICS OF IMPORTS AND EXPORTS.—PRINCIPAL COUNTRIES TRADING WITH GUATEMALA.

The increase of commercial business in the country is very notable. At the present time more is done in one year than in half a score twenty years ago.

The total imports of 1851 were estimated at \$1,403,884. Twenty years later, in 1871, they were to the amount of \$2,403,503. Twenty years still later, in 1891, they went up to \$7,806,730. In 1893 the value of the imports was \$6,383,834; and in 1894, \$6,937,000.

The total exports in 1890 amounted to \$14,401,534; in 1892, to \$14,869,324; in 1893, to \$19,087,000, and in 1894, to \$20,324,000.

The movement of vessels in the ports of the Republic has been in keeping with this increase. In 1892 157 steamers and 14 sailing vessels anchored at San José; 151 steamers and 12 sailing vessels at Champerico; 55 steamers and 7 sailing vessels at Ocós; and 78 steamers and 9 sailing vessels at Livingston.

The total was 441 steamers and 42 sailing vessels.

The figures for 1893 were 468 steamers and 32 sailing vessels.

Of these vessels 378 carried the flag of the United States, 55 were from Germany, 47 from England and 20 from Norway.

For the year 1894 the increase was considerable, undoubtedly owing to the superior advantages that Puerto Barrios presents with its excellent position and splendid wharf and now generally admitted to be the most favorable port.



University and National Institute, Guatemala City.

The principal imports into Guatemala in 1893 were as follows:

Cotton goods for nearly \$1,600,000; silver coin to the amount of \$1,059,134; iron and its manufactures for over \$500,000; flour to the amount of \$300,717.38; drugs and medicines for \$153,187.17; preserved meats, fruits, cheese, confectionery, etc., for about \$200,000; woolen goods for \$135,113.73; machinery for nearly \$200,000; silk goods for \$101,339.38; spirituous liquors, *aguardiente*, cognac, whiskey, etc., for \$135,075.33; beer for \$102,218.38; wines and cordials for \$274,669.61; and toys and other fancy and variety articles for over \$150,000.

Other imports of less importance were:

Oil; barbed wire (\$46,130); arms; carpets; matting; photographic articles and supplies; fertilizers; sugar (for only \$5,104); mineral waters; indigo (for \$1,302); shoes (for nearly \$21,000); cinnamon and spices; carts, wagons, and carriages; barley (for \$25,824.93); white wax; cacao; glassware (for over \$27,000); cement; chromos; manufactured copper; coal; stearine, in candles and unmanufactured; matches; live animals (oxen, horses, mules); India rubber goods; printed books; musical, scientific and other instruments; jewelry; crockery; zinc plates; lumber and timber for building purposes (for nearly \$75,000); railroad material (for about \$67,000); telegraphic and electric light material (for nearly \$65,000); lard (for \$9,228.72); marble (for \$16,939.51); school supplies and supplies for charitable institutions; gold coin (only to the amount of \$10,000); doors and windows; umbrellas and parasols; paper and manufactures thereof; stationery; potatoes, rice, maize, etc., (for over \$72,000); petroleum (\$30,636.40); pianos (\$14,716.55); tanned skins (for over \$32,000); perfumery (for \$14,360.29); live plants; common salt; bags for the transportation of grains (\$61,079.28); hats; saddles; tallow; tobacco; roofs and iron pipes (\$32,948.06); wheat (\$14,308.79); tea; and plate and window glass.

The nations from which the articles imported into Guatemala in 1893 proceeded were the following:

1. The United States of America, 365,312 bundles or packages, representing a value of \$1,517,165.29.
2. Great Britain, 52,101 bundles or packages, \$1,472,178.10.
3. Germany, 82,803 packages, \$1,278,205.35.

4. France, 40,743 bundles, \$771.
5. Spain, 6,768 bundles, \$124,435.94.
6. Italy, ~~4,264~~ bundles, \$48,787.64.
7. Belgium, 2,578 packages, \$31,404.79.
8. Switzerland, 1,331 packages, \$6,970.90.
9. Holland, 6 bundles, \$125.80.
10. Austria, 49 bundles, \$1,117.04.
11. Spanish-American countries, including Mexico (6,414 bundles, \$20,963.64); the other Republics of Central America (2,354 bundles, \$88,092.71); Havana (13 bundles, \$256.66); and all other countries of South America (10,582 bundles, estimated at \$1,112,219.67). This sum includes silver coin from South America to the amount of \$983,434.36. China sent 165 packages estimated at \$19,099.48.

The principal articles imported into Guatemala from the United States of America in 1893 were:

Flour	\$293,794.58
Manufactured iron	113,427.41
Iron in bars, plates, and nails.....	12,198.41
Preserved meats and other alimentary articles	90,376.87
Cotton goods	61,061.74
Drugs and medicines.....	4,323.93
Machinery	108,000.00
Timber for building purposes.....	70,658.00
Potatoes, maize, and beans.....	69,207.00
Stationery	20,412.00
Household furniture	21,821.00
Wheat	14,308.00
Whiskey	34,522.00

The principal articles imported from Great Britain in 1893 were:

Cotton goods	\$970,052.50
Preserved meats and other alimentary articles	25,613.92
Drugs and medicines	23,620.76
Manufactured iron	72,966.76
Iron in bars, plates, etc.....	28,086.71
Wool and woolen goods	29,983.01
Machinery	95,000.00
Bags for grains	21,000.00

The principal articles sent from Germany were:

Cotton goods	\$301,387.00
Manufactured iron	189,759.00
Iron in bars, plates, and nails.....	37,537.00

Wool and woolen goods	56,687.00
Haberdashery and fancy articles	52,491.00
Paper and paper articles	27,706.00
Bags for grains	26,713.00
Beer	50,487.00
Canned meats and articles for food.....	37,583.00
Household furniture	20,000.00

The principal articles imported from France into Guatemala in 1893 were:

Cotton goods	\$156,231.00
Fine brandies	74,192.00
Preserves	24,952.00
Drugs and medicines	49,142.00
Wool and woolen goods	26,639.00
Haberdashery and fancy articles	59,470.00
Wines and liquors	99,235.00

Exports.

Coffee is the principal article of export. The following figures will show the increase of the Guatemalan coffee trade from 1886 to 1893:

Value exported in 1886.....	\$5,827,264.74
Value exported in 1887.....	8,137,478.53
Value exported in 1889.....	12,704,948.15
Value exported in 1890.....	12,714,981.00
Value exported in 1891.....	13,112,379.50
Value exported in 1892.....	13,765,983.84
Value exported in 1893.....	18,550,518.73

No official statistics subsequent to 1893 are at hand, but there is no doubt that the increase in the value of these exports goes on steadily.

Hides are also an article of export worthy to be considered. In 1893 their exportation amounted to \$133,541.94.

An article of export of scarcely less importance is the sugar. Guatemala exported this article to the amount of \$41,065.10 in 1880. Thirteen years later, in 1893, the exports went up to \$105,223.20.

India ruber, or caoutchouc, is exported in comparatively large quantities. The exports amounted to \$112,978 in 1886, and to \$126,935.20 in 1892.

The facility with which the banana plant is cultivated on the Atlantic coast of the Republic, the comparatively small capital

necessary for this business, the prompt returns of the same, and the growing demand for this fruit in the United States have combined to make banana growing very popular. In 1889 110,222 bunches, estimated at \$44,088.80 were shipped from Guatemala; in 1892 these figures were increased to 996,854 bunches, estimated at \$389,741.60.

The following table gives the itemized exports for 1893:

Articles.	Quintals (100 pounds.)	Amount.
Stuffed animals	—	\$9.50
Indigo	3.10	310.00
Leather	237.72	14,738.64
Bananas	—	178,113.25
Silver (in bars)	26.73	21,384.00
Cacao	86.61½	8,661.50
Coffee	598,403.83	18,550,518.73
Shoes	1.83	300.00
Cocoanuts	—	567.01
Tortoise shell	6.53	130.36
Deer skins	328.88	16,444.00
India rubber	777.96	38,898.00
Statues	65.00	504.13
Lumber	1,127.64	1,203.52
Silver coin	—	1,149,901.64
Hides (ox)	9,538.71	133,541.94
Live plants	170.15	395.17
Pineapples	—	15.00
Peruvian bark	124.67	3,740.10
Sarsaparilla	19.00	988.00
Sundry merchandise	7,593.88	9,675.14
Muscavado	143.70	862.20
Sugar	10,572.32	105,223.20
Wild boar skins	2.65	132.50
Iguana skins	0.26	3.12
Tiger skins	0.31	23.25
Total	629,231.48½	\$20,236,784.44

CHAPTER X.

BANKS.—CREDIT.—INSURANCE.—MONETARY SYSTEM.—VALUE OF FOREIGN COINS.—WEIGHTS AND MEASURES.

There are in the country six banks authorized to issue paper, besides numerous commercial houses which do banking business.

The International Bank of Guatemala (*Banco Internacional de Guatemala*) is a joint stock company with a capital stock of \$3,000,000, divided into 1,000 shares.

The Columbian Bank (*Banco Colombiano*) has a paid up capital of \$1,634,000.

The Western Bank (*Banco de Occidente*), a joint stock company with a capital stock of \$2,000,000, divided into 20,000 shares of \$100, quoted at 145.

The Comercial Bank of Guatemala (*Banco Comercial de Guatemala*), a joint stock company, with a capital stock of \$5,000,000, divided into shares of \$4,000 each.

The American Bank (*Banco Americano*), also a joint stock company, organized in 1895.

The Guatemala Bank (*Banco de Guatemala*), a joint stock company, with a capital stock of \$1,000,000, which may be increased up to \$16,000,000, divided into shares of \$1,000 each. It is authorized to receive public funds in deposit. The maximum interest which it may charge on loans is 9% per annum.

All these banks, with the exception of the Western Bank, are established in the capital, and have branches or agencies in the principal towns. The Western Bank has a branch in Guatemala City.

The usual rate of discount is 12%. Their notes are admitted at

par with coin and are preferred to it, as they can be sent without difficulty to any part of the country.

Not less than fifteen insurance companies, all of them foreign, have their regularly established agencies in the Republic. All branches of insurance—life, fire, accident, maritime, etc.—are represented by them.

The monetary unit of the Republic is the silver *peso*, with 25 grams of silver, of 0.900 fineness. The *peso* is divided into 100 *centavos*.

The coins are: The *peso*, the *medio peso* (half a *peso*), the piece of 25 *centavos*, the piece of 10 *centavos*, and the piece of 5 *centavos*.

There are also gold coins, as follows: The piece of 5 *pesos*, weighing gr. 8.75, the piece of 2 *pesos*, 50 *centavos*, and the piece of 1 *peso*.

There are also pieces made out of an alloy of 95 per cent copper and 5 per cent nickel, of the value of 1 *centavo* each.

There is a mint at the capital of the Republic, and all private persons can go there and have their gold or silver bullion coined, upon the payment of 1 per cent in the case of gold, and 3 per cent in the case of silver.

Foreign coins are allowed legal circulation in the Republic on the following basis:

Gold Coins.

United States \$20.00 piece	\$20.00
United States \$10.00 piece	10.00
United States \$5.00 piece	5.00
United States \$2.50 piece	2.50
United States dollar	1.00
English pound sterling	5.00
English half pound sterling	2.50
French, Italian, Belgian and Swiss 20 francs	4.00
French, Italian, Belgian and Swiss 10 francs	2.00
French, Italian, Belgian and Swiss 5 francs	1.00
German 20 reichsmark piece	4.92
Spanish and Mexican onzas	16.00
Spanish and Mexican medias onzas	8.00
Spanish and Mexican doblones de á cuatro	4.00
Spanish and Mexican escudos	2.00
Spanish and Mexican medio escudos	1.00
Spanish centenes	5.00
Spanish medio centenes	2.50
Peruvian, Colombian, Venezuelan or Chilean \$5 pieces	5.00

Silver Coins.

United States dollar	\$1.00
United States fifty cent piece	.50
United States quarters	.25
United States dimes	.10
United States half dimes	.05
French, Italian, Belgian or Swiss 5 franc piece.....	1.00
Spanish peso fuerte	1.00
Mexican, Chilean, Peruvian or Venezuelan peso.....	1.00
Mexican 50 cent piece	.50

The rate of exchange in London, in November, 1895, was 103 per cent.

The French decimal metrical system is now used in the Republic. Before its adoption the old Spanish system of weights and measures prevailed:

Quintal (100 pounds), *Arroba* (25 pounds), *Libra* (1 pound), *Onza* (ounce), *Tonelada* (ton) of 20 quintals, *Fanega* is a measure of capacity equivalent to 1½ imperial bushels.

AGRICULTURE AND STOCK RAISING.

Agriculture, which constitutes in Guatemala the principal source of its wealth, has attained considerable development, and gives every day new evidence of progress. Nature seems to have done on her part all that possibly could be done in this respect for the prosperity of the Republic. The intertropical situation of the country, and the diversity of its altitudes and climates, allow the plants of the tropics to grow luxuriously almost within sight of the richest productions of the temperate zone; and sugar cane and cacao and coffee and bananas are seen to thrive at a short distance from the places where crops of wheat and barley and oats are gathered abundantly.

There are localities in which two or three crops of maize can be raised, and none in which the necessity of fertilizers has yet been felt.

It may be said, without fear of committing an error, that the only thing to be carefully attended to in Guatemala in order to secure the success of any agricultural undertaking consists merely in the proper selection of the ground and its intelligent adaptation to the cultivation for which it is intended.

Coffee, up to this time, has absorbed almost exclusively the whole attention of the Guatemalan people, and the high prices it commands in the markets of Europe and of the United States of America fully justify this preference. But cereals and other products are cultivated with profit, and may become in time an element of great value in the wealth of the country.

Coffee.

The production of coffee in Guatemala has been constantly increasing. The plantations improve and increase in number every year and will no doubt continue to do so as long as the quality of the coffee is acknowledged to be superior, and the great demand for it maintained.

The following table shows the production of coffee in every department of the Republic for the years 1888 and 1891:

Departments.	1888. Pounds.	1891. Pounds.
Guatemala	271,800	389,200
Amatitlán	2,366,500	2,589,100
Escuintla	3,482,400	3,882,700
Sacatepéquez.....	3,578,700	5,112,700
Chimaltenango	2,353,500	4,544,900
Sololá	4,382,800	4,029,300
Suchitepéquez.....	7,951,600	4,896,800
Retalhuleu	4,080,000	4,001,600
Quezaltenango	13,937,300	11,697,300
San Marcos	12,046,600	9,692,800
Huehuetenango	1,848,400	237,400
Baja Verapaz	115,400	399,600
Alta Verapaz	1,655,800	3,310,000
Petén.....	13,000	14,800
Zacapa	73,200	155,000
Chiquimula	359,400	580,900
Jalapa	13,300	31,400
Jutiapa	9,500	64,100
Santa Rosa	304,800	4,029,200
Total	58,844,000	59,447,800

In 1892 the area of land devoted to the cultivation of coffee was 964 *caballerías* and 34 *manzanas*, or 43,417 hectares, 43 areas and 35 centiareas.

The number of coffee trees in the same year was 64,186,924,



Pier at Puerto Barrios.

and the crop 24,223,248 in *pergamino*, and 12,776,216 of the coffee called oro.

Coffee in *pergamino* is the grain of coffee after the red pulp, which gives to it the appearance of a cherry, has been removed, but still retaining the inner white or yellow parchment-like covering.

Coffee in *oro* is the grain of coffee after the above parchment-like covering has been removed.

The principal coffee regions are as follows:

The municipal districts of Colomba, Palmar and Nuevo San Carlos, in the department of Quezaltenango; Tumbador, San Pablo y San Cristóbal Cucho, and El Progreso, in the department of San Marcos; all the districts of Suchitepéquez; Pochuta, Yepocapa and Acatenango, in the department of Chimaltenango; Barberena, in that of Santa Rosa; San Felipe and Pueblo Nuevo, in that of Retalhuleu; Uhicacao, Santa Bárbara and Patulul, in that of Sololá; Escuintla and Santa Lucía Cotzumalguapa, in that of Escuintla; Antigua and Ciudad Vieja, in that of Sacatapéquez; San Miguel Petapa, Villanueva and Amatitlán in that of Amatitlán; all the districts of Guatemala; Carchá, Cobán, Lanquín, and Senahú, in the department of Alta Verapaz; Gualán and Zacapa, in that of Zacapa; and Purulhá, in that of Baja Verapaz.

The best conditions for the cultivation of coffee are: An altitude between 2,600 and 4,500 feet above the level of the sea; a considerable depth in the humus or vegetable soil; and a clay subsoil. Lands with these requirements are abundant in the districts above named.

The temperature best suited to the healthy growth and abundant production of the plant in Guatemala is between 60° and 90° Fahrenheit, the former being rather too cool and the latter too warm for the best results. In the lands whose altitude is from 1,500 to 2,000 feet, and where the ruling temperature approaches the latter limit, the young plants must be shaded, in new plantations, by tall and rapidly growing plants, otherwise their growth is unhealthy, as is betrayed by the small size and yellowish appearance of the leaves.

For the purpose of shading the young trees, the banana is very generally employed, as it not only affords abundant shade, but

produces paying crops of its own. After one or two seasons' growth the coffee plants need no further extraneous shade.

In districts whose mean altitude is 4,500 feet, plantations must be sheltered from the cold north winds, which, during December, January and February, blow almost continuously, and destroy plantations exposed to their full force. A range of hills to the north of and overlooking the plantation is the best natural protection that can be found; but in the absence of this, it is customary, when the mercury at night falls to 60°, to burn heaps of rubbish mixed with pitch on the north side of the plantation, and the dense smoke, drifting over and through the rows of trees, furnishes complete protection from the effects of the cold.

The coffee plants are raised in nurseries, to be afterwards transplanted to their permanent place.

The critical season for the future crop is the blooming period. A heavy rainfall, while the trees are in flower, will seriously damage the plants, washing away the pollen and thus preventing fructification. This period lasts three or four days, when the blossoms fall and the "cherry," as it is called, begins to appear. This "cherry" reaches maturity in October, and is ready for gathering and "pulping," that is, for the removal of the outer shell and pulp, after which it is washed and carried to dry, spread out in brick paved yards exposed to the sun.

Cacao.

The celebrated cacao, called of Soconusco, known to-day under the name of Guatemalan cacao, is claimed to be the best in the world, and is a natural product of the country, but it is little used in the United States and Europe because it is cultivated to such a small extent that the production is scarcely sufficient for the consumption of the country. The best conditions for this cultivation, which would prove to be a considerable source of wealth were it properly managed, are found especially in the *tierra caliente* districts. These conditions are an altitude of 800 to 2,000 feet above the level of the sea, and a soil rich in humus and capable to be irrigated. The number of cacao trees in 1892 was 1,005,071, and the crop about six million pounds.

No crop can be obtained, as a general rule, before six years

subsequent to the final planting of the young trees. When the ground is first class and all proper care has been taken, the first crop can be raised in four years.

The gathering and hauling of the cacao beans require neither machinery nor any great number of laborers. Care must be taken only in not hurting the bean or almond when breaking the fruit wherein they are contained. One day of "fermentation" must then be given to them, after which they must remain exposed to the sun for six or eight days, at the end of which they are ready to be sent to the market.

India Rubber.

The India rubber tree grows wild in Guatemala, but the number of people who take advantage of it is very small. Its cultivation on a large scale, and the improved methods for the extraction of its juice and the preparation of the rubber, would render this industry extremely profitable. About 400,000 pounds of India rubber are gathered annually and exported.

Tobacco.

Tobacco is also very abundant and of a superior quality, but the production is limited. It grows well at an altitude of 1,000 to 1,800 feet above the level of the sea and at a temperature of between 63° and 81° Fahrenheit. Even for exportation the cultivation of tobacco could be profitably undertaken on an extensive scale.

Sugar Cane.

The sugar cane of Guatemala is of an excellent quality and grows abundantly. Although there are several important plantations the cultivation and the manufacture of its various products could still be increased considerably. Lands offering the most favorable conditions for this cultivation can be easily obtained in the departments of Escuintla, Amatitlán, and Baja Verapaz.

Cereals.

Cereals, such as wheat, maize, rice, etc., are cultivated only to a certain extent, not sufficient even for home consumption. The

cultivation of wheat, particularly, could be greatly increased, for immense tracts of land still untilled are well adapted to it. This accounts for the small amount of the actual crops (the last one amounted to 73,070 *fanegas* or 4,566,875 kilograms) and the necessity of importing every year from the United States between four and five millions kilograms (11,000,000 pounds) of flour, and 200,000 kilograms (440,000 pounds) of wheat. The Guatemalan wheat is, nevertheless, superior to all imported.

Grapes, Fruits, and Other Crops.

An attempt has been made of late to cultivate grapes and make wine in Guatemala. The country abounds in lands capable in all respects to make this undertaking a success.

The country is also admirably adapted for the cultivation of fruits of all kinds. Up to the present time, commercially at least, bananas have only been given preference.

Rice, maize, beans, potatoes, barley, and oats are grown easily, and yield considerably. They sell at high prices, and have to be imported in large quantities.

Ramié, henequén, several varieties of the cinchona tree, spice trees of different descriptions, the tea plant, and many kinds of medicinal and industrial plants can be also cultivated in Guatemala, without difficulty and with great advantage.

Cattle Raising.

Cattle raising constitutes in Guatemala a great source of wealth. Lands provided with the best possible accommodations for that purpose are found everywhere, and the work of the man who engages in this industry may be said to be reduced, after the cattle is brought to the place, merely to build fences and keep them in good order.

The *Guía del inmigrante en la República de Guatemala*, speaking on this subject, says as follows:

"This industry is carried on with success, owing to the great consumption of meat and the aid given by the Government. There are abundant well-watered lands in the Republic suitable for this purpose, only requiring fencing to make them a very profitable investment. Cured and salted meats may become an important article of export.

"Statistics for the year 1892 show the following:

"Cattle: Calves, 86,452; bulls, 43,860; oxen, 30,255; cows, 134,959. The prices of these animals are good, generally ranging from \$10 to \$20 for a calf, and a milch cow is worth from \$40 to \$100, while a good yoke of oxen brings from \$100 to \$200; of horses there were 61,593, the ordinary ones selling from \$50 to \$200, and the better breed from \$300 to \$1,000; the number of mules was 28,724, from \$100 up; 1,700 asses, from \$100 up; sheep, 288,760 head, from \$2 to \$6; 63,670 swine, from \$10 apiece to \$60.

"The consumption of these animals for the year 1892, in the Republic, was: 76,795 head of cattle, 9,533 head of sheep, and 86,092 swine; it being calculated that the value of these reached \$4,016,701.

"This industry has a splendid future; the demand at present exceeds the supply, stock being brought from the neighboring republics."

Horse breeding can also be made a very profitable industry. According to the last official statistics, which were at hand in 1896 when the above quoted *Guía* was published, there were in the Republic 49,000 horses, 47,000 mares, 21,000 colts; 2,700 donkeys, and 42,000 mules, of all ages.

The importation of horses and mares from the United States of America, and occasionally from Spain, England, and even Arabia, and their use for breeding purposes, have been accompanied, as usual, with wonderful results. The native horse is small, but strong and almost indefatigable. The race horses and all others obtained through the crossing with foreign breeds while possessing the qualities of the latter, retain the merits of the native race.

LEGISLATION TO ENCOURAGE AND PROMOTE AGRICULTURE.

Among the many measures which have been taken in Guatemala for the purpose of promoting agriculture, there are some relating to the disposition, either by sale or gratuitous grant, of the vacant lands of the Republic; while others refer especially to privileges or concessions to cultivators.

The so-called "Agrarian Law" (*Ley Agraria*), enacted in 1894, provided for the sale, lease and gratuitous concession of the public lands, and created a Board of Government Engineers, entrusted with the duty of surveying the said lands, and dividing them into lots of not more than 15 *caballerías* each.*

*The Guatemala *caballería* is equivalent to 113 $\frac{5}{8}$ acres.

Land Grants.

These lots can be purchased from the Government for the following prices:

\$250 per *caballeria* for lands suitable for raising cattle, or for the cultivation of cereals, grapes, indigo henequén, etc.; \$400 per *caballeria* for those adequate to the cultivation of sugar cane, bananas, tobacco and ramié; and \$500 per *caballeria* for those well adapted to the cultivation of coffee or cotton, or containing forests of timber suitable for building or other purposes. These prices include the expense of surveying, revision and title.

No tract of land exceeding 15 *caballerias* in extent can be sold to any one person.

Applicants for lands to be sold by the Government must file their petition at the General Land Office in the Capital of the Republic, or at the office of the Political Chief in the department where the lands are found.

Unsurveyed lands shall be sold for the same prices and in the same manner as those surveyed.

Lands situated on the frontier of the Republic, bordering upon any of the neighboring nations, must be held exclusively by Guatemalan citizens, whether by birth or naturalization. Transfers of these lands made by private conveyance in favor of aliens shall be void, and entail as a penalty the forfeiture of the lands to the Government.

If these lands are the property of a Guatemalan citizen, and he, for any cause whatever, forfeits or abandons his Guatemalan citizenship, the ownership of the lands shall revert to the Government, which shall be bound, however, to pay the ex-owner the value of the improvements, as estimated by two experts.

Land Leases.

The Government can lease, upon such terms as it may deem advisable, the vacant lands of the Nation. Under the Guatemalan law, this is the only way in which the Government can dispose of the lands contained in the belt or strip 1,500 meters wide along the coasts of both oceans, 200 meters wide along the shores of the lakes, and 100 meters wide along the banks of nav-

igable rivers, which is reserved for public use. But no tract of a larger area than one *caballeria* can be leased to one person.

These leases shall be made for a fixed time, the duration of which shall depend upon the amount of expense and labor necessary to make the land profitable to the lessee, and the rents to be paid shall not exceed 5 per cent per *caballeria* on the price of sale.

Leases of timber lands must always be made by special contracts, the conditions of which shall be determined according to circumstances. But the lessee must bind himself in all cases to plant two young trees, of the same kind, for each one he cuts down.

Gratuitous Concessions.

Vacant lands can be granted gratuitously, but never to a greater extent than two *caballerias* per grantee, to municipal corporations; to colleges, schools, or other educational institutions; to new towns; to immigrants, and to immigration companies, agents or contractors; to old settlers, or other private individuals who have rendered services to be thus rewarded under the law; to Guatemalan citizens willing to settle in the localities where the lands are situated; and to managers or directors of new roads or other ways of communication, provided said managers or directors are Guatemalan citizens, and that the grant is made either as a reward for the building of the road or way of communication, or as an inducement to build it.

The President of the Republic is also authorized by law to grant to poor persons, gratuitously, and upon such conditions as he may deem advisable, any tract of public vacant lands, not exceeding two *caballerias*, which may be asked for. The Government shall pay, in these cases, the expense of the survey.

Special Privileges and Concessions.

Different concessions and privileges have been granted by law to the end of promoting some special branches of agricultural industry.

Stock raising has been facilitated and encouraged in the departments of Izabal and Zacapa by a Decree which gives authority to their political chiefs to make grants of land for that pur-

pose. Tenants under these grants who, at the expiration of two years from the date of the concession, give sufficient proof that they have actually established a stock ranch, shall be entitled to acquire in fee simple the ownership of the land, for the price of \$50 per *caballeria*, to be paid, if so wished, in eight annual instalments. The keeping of 15 cows per *caballeria* shall be deemed sufficient proof for this purpose.

The same favors were granted, under Decrees of 1880 and 1882, to the departments of Petén and Alta Verapaz.

Particular inducements, in the shape of premiums, have been offered to the cultivators of india rubber, cacao and sarsaparilla; \$50 per thousand plants of india rubber or cacao, and \$25 per thousand plants of sarsaparilla.

Similar inducements have been offered to the cultivators of henequén in the department of Petén.

In the desire to promote the cultivation of wheat the Government has authorized the political chiefs of all departments to make gratuitous grants from one *manzana* to one *caballeria* of land.

The cultivation of bananas has also been promoted in the departments of Izabal, Zacapa and Alta Verapaz, by giving the same authority to their respective political chiefs.

Persons engaged in the cultivation of cotton or tobacco, to the extent of at least 8,000 plants of the former or 12,000 of the latter, are exempted from military service. So also are day laborers over 18 years of age employed on large plantations of coffee, sugar cane, cacao, or bananas, who have received over \$30 in advance of their wages and who attend regularly to their work.

No stamps shall have to be affixed to the account books of the estate.

Transfers of real estate in the country, when the price does not exceed \$100, or in the city, when lots are unimproved, are exempt from taxation.

Real estate the value of which does not exceed \$1,000 is also exempt from taxation.

No foreigner can be asked, during the first year of residence in the country, to do personal service in making or repairing roads, or to pay for not doing it.



Post-Office, Guatemala City.

No fiscal or municipal tax of any kind whatever is levied for ten years upon estates, the whole or largest part of which has been devoted to the cultivation of *pita*, hemp, *henequen*, flax, ramíé, cotton or grapes.

Premiums, additional to all other rewards above mentioned, to be paid for a period of ten years, to be counted from April 27, 1886, have been granted as follows: To grape cultivators, from \$200 to \$500; to cultivators of *henequen*, \$500 per area of four *manzanas*; to cotton growers, \$500 per area of thirty *manzanas*; to cultivators of flax, \$500 per area of ten *manzanas*; to cultivators of wheat, \$100 per area of ten *manzanas*; and to cultivators of tobacco, \$100 per 100,000 plants.

Labor Law.

The Labor Law (*Ley de trabajadores*) makes incumbent upon the owners or managers, among other things, the following: To preserve order within the limits of their respective estates; to keep a record of the names, ages and late residence of all persons employed on them, their wages or salaries, and the terms and conditions of their employment; to keep a current account with each one; to provide each one with a book in which a copy of his contract must be entered, together with careful memoranda of all the moneys paid him; to provide them with suitable dwelling places or with materials to build them; to allow the laborers to work outside of the estate, when no work is done on it; to furnish them medicines and medical assistance in case of sickness; to keep on each estate of more than ten families a free school for the children, if no other is established in the neighborhood; and to see that all persons on the premises are vaccinated.

Laborers living on the estates are bound, among other things, to keep their contracts, to work for the stipulated wages, to obey the orders of their employers and to preserve the book in which the record of their work is kept.

All labor contracts for one month or more must be made in writing, and recorded in both the book of the laborer and that of his employer.

Day laborers have to work on the same plan, and are subject to the same rules as those who live on the premises.

CHAPTER XI.

MINES AND MINING LAWS.

The mineral world of Guatemala is incalculable. Gold mines are worked at present on the banks of the Motagua river in the departments of Izabal and Baja Verapaz. Silver mines are worked at Mataquescuintla in the department of Santa Rosa, and Alotepeque in the department of Chiquimula.

Salt mines abound in the departments of Alta Verapaz and Santa Rosa.

There are iron, copper, lead and coal mines in different localities of the Republic.

In the hand book of Guatemala, published by the Bureau of the American Republics in January, 1892, as Bulletin No. 32, a report of Mr. Rea, a mining engineer well known in Guatemala and elsewhere, on the mining resources of that Republic, was given in full. From it the following is extracted:

My tour of inspection extended through a belt of country from the coast range of mountains on the northwestern frontier of the Pacific side near Tacaná, across the Sierra Madre, to the coast range of the Atlantic or Gulf slope. The entire stretch at intervals is essentially a mineral territory, in which is found the presence of precious and base metals, and upon which little or no prospecting or exploiting has ever been made. In the mountains of Motozintla, of the Pacific coast range, there are immense deposits of low-grade gold and silver sulphuretted ores and some very high-grade lead ores carrying a low percentage of silver; also some good copper carbonates. Near Tejutla exist extensive beds of excellent ochreous ores. In the department of San Marcos cinnabar of good grade has been discovered in the blue serpentine formation. The mine has been denounced, but no development has been done on it to test its merit. The formation, being the blue serpentine, is highly favorable for the existence there of permanent deposits of this valuable mineral. Auriferous high-grade copper ores are found on the south slope of the Chuchumatanes range of mountains, in the department of Huehuetenango. The excellent character of the ore, being high-grade, clean carbonates on the surface, lying in a contact formation between limestone and syenite, would safely justify exploration.

At Chiantla, near Huehuetenango, on the southern flank of the same mountain range, there are a number of lead mines, carrying more or less silver, which have been worked on and near the surface for the past century in a primitive and desultory manner by the Indians, mainly for the lead they contain. They lie in strong veins and deposits, between talc slate and syenite on one side and ferruginous limestone on the other. The ores are of the simplest carbonate combination, carrying all the necessary smelting fluxes, and yield a clean lead product in the old adobe air furnace under fuel heat alone, and average from 40 to 60 per cent. lead and from \$10 to \$15, and as high as \$40, in silver per ton. The geological formations in which they are found afford reasonable assurance that, as depth is attained in these mines, the ledge or percentage of silver will increase. About 16 leagues north of Huehuetenango, on the high table-lands of the Chuchumatanes Mountain range, at Todos Santos, the same mineral formations we find at Chiantla again break out, the veins or deposits being somewhat bolder in their surface croppings, averaging from 60 to 70 per cent. lead and from \$25 to \$45 in silver.

The same argentiferous lead belt follows the line of contact between the limestone and syenite and talc formations in an easterly direction, and forms another group of mines of the same character at Santa Cruz de Musltli, on the south fork of the Passion River, in the municipality of Salamá.

The test assays run from \$10 to \$60 in silver and 80 per cent. in lead. This same mineral formation extends on further east along the Chuchumatanes range, and is lost in the unknown wilds of the Lacandón country. To say the least of this silver-lead belt, it is a wonderful showing of mineral on the surface, and the attendant geological features are most favorable for large and permanent bodies of ores and an improvement in the percentage of silver in the downward tendency of the veins or deposits.

Further west, in the lower Pacific slopes, there occur heavy beds of fine, loose gravel, bearing 2 and 3 ounce nuggets of pure lead. These nuggets seem to be plentifully diffused throughout these beds, and, as far as I could ascertain, were extensive. The rare occurrence of pure lead in this natural state may be accounted for on the theory that the fiery action of some neighboring volcanoes had encountered a lead vein in its eruptive course and had reduced and refined its ores by its underground fires, and in its inward throes had cast up the molten metal, which, on reaching the cool air, granulated into these small virgin nuggets and had settled countless ages ago in the sedimentary beds where we now find them. Lying, as they do, near a coast port, they might be exploited to an advantage.

Cinnabar ore is reported to have been found in the municipality of San Marcos, and also tin ores near Malactán. Some excellent salt springs break on the Salamá River. The waters yield a high percentage of first-class salt, and, if systematically operated, could be made to yield a handsome revenue. Two large deposits of black lead, or plumbago, exist, one about 15 miles north of Huehuetenango and the other about the same distance south. The mineral is of an excellent variety, clear of grit, and ready for commerce.

Marble of a superior quality, alabaster, and immense beds of gypsum are also found in the department of Quiché.

The department of Baja Verapaz has claimed my attention for the past three months, and I find the geological formation of that portion to which I devoted my examination highly favorable to the existence of the precious and useful metals. I found well-defined auriferous gravel beds at different points along the banks of the Rio Grande, showing a

fair average prospect of heavy, coarse gold. The little development I found there had been confined to the immediate banks cut down by the river channel, by scooping out the gold-bearing gravel from the upper surface and patiently washing it in rude wooden bateas, or bowls. Seventy-five of these bateas averaged about \$5 in nice, clean gold. It does not seem that there has been any attempt to properly explore any of these auriferous gravel beds. In many places the flats extend back from the river banks to a considerable distance toward the hills or bluffs, giving an extensive area for placer ground. The gold-bearing gravel beds generally lie deeply capped by alluvial deposits, and consequently drifting in on the beds would be the most feasible way of mining them; and, as the gravel is clear of clay, some simple gold-washing device would easily eliminate the sands and other matter from the gold at a trifling outlay of labor. A little energy and enterprise expended in prospecting these grounds might be well repaid. The river at its lowest stage would afford all the hydraulic power that would ever be required in extensive placer operations.

Good croppings of sulphurets of silver and carbonates of copper are found in the adjacent foothills above the Panahigh placers.

Along the south slopes of the range of mountains that runs parallel to the Rio Grande there extends a mica belt for a considerable distance. The line of this rare mineral is very distinctly marked, strikingly similar to that of our best mica formations in North Carolina, the chief source of supply of this mineral in the United States.

The blocks of mica found here are of the finest laminated structure, clear as crystal, and entirely free from foreign substances that so often detracts from the value of this mineral. They would probably yield 15 per cent. in cut commercial mica sheets, averaging from 2 by 4 to 6 by 12 inches in size. The refuse of the blocks of the smaller sheets would furnish a large quantity of clean mica that could be profitably utilized by grinding up into flour mica for export, as the uses of ground mica are yearly increasing. I will not fail to note that frequently the sheets in some of the blocks exhibited beautiful figures of variegated colorings, shaded with blue, green, red, and yellow, happily blended in the most delicate tints, which, on a thorough fire test, proved to be a fast-coloring matter. This class of mica, when colors become more solid, commands fancy prices.

Running parallel with the line of the mica area there are found veins of asbestos and deposits of plumbago. The asbestos is of the fine textile variety, and seems free from all foreign substances, varying in color from deep gray to snow whiteness, the fiber measuring from 1 to 3 feet in length. The plumbago lies in irregular deposits, showing considerable quantities on the surface, and is of a clean quality.

In the vicinity of Ravinal and Cabulco are found undeveloped silver and copper ledges. The silver veins are small on the surface, but in good primary formation, being fair-grade lead sulphurets. The copper veins are small, but the ore is of the finest kind of malachites. Leadstone and immense deposits of high-grade magnetic iron ores, also large gypsum deposits, lie in the same locality.

In Alta Verapaz, near San Cristobal, there is a group of lead mines carrying a light percentage of silver, which, though small, would pay for separation on a large scale. These mines are worked for the lead alone, and supply the entire ordnance department of the Government.

Near Cobán are extensive chalk beds of a most excellent quality, which are mined, and the product prepared into neat crayons, that supply all the schools and colleges of the Republic with this useful article. Native

mercury has been discovered in the mountains north of Cobán. Specimens of float rock taken from the same locality proved to be the gray sulphurets of mercury. No explorations have yet been made to discover the ledge. Quantities of bitumen are found in beds in the eastern section of the department, which is strongly charged with petroleum, is highly inflammable, throwing off a bright, strong flame, emitting a decided coal-oil flavor. A proper exploitation on these beds by systematic boring would doubtless tap, at a moderate depth, a petroleum flow. Several large, bold flows of salt springs burst out at the Seven Sierras, in the northern part of the department, which have been operated for years, and yield an extra quality of salt, from which the population of the eastern departments mainly draw their supplies, and if worked to their full capacity could be easily made to supply all Central America with their product alone.

In the department of Izabal, on the alluvial lands of the Motagua and Polochic, in the vicinity of Libertad and Querbradas, exist extensive beds of gold placers, which have been worked for years in a primitive way, until several foreign companies have commenced operating them with the best modern appliances, and they are reaping favorable results. These gravel beds cover a large area of ground, are of good average thickness and well defined, and under proper management should yield fair dividends. These two rivers and their tributaries drain an extensive mountain country, and have in time cut and dragged down their golden sands from existing quartz veins on their course, which circumstance would give reasonable grounds to believe a quartz El Dorado of the "yellow wealth" may some near day be uncovered somewhere along the upper line of their flow. In the foothills a few leagues west of Livingston have been discovered several coal veins, which are said to be of good anthracite variety; but no development has yet been done on them.

The department of Chiquimula abounds in numerous meritorious mineral prospects. As far as discovered, the principal localities are the districts of Concepción, Alotepeque, and Lemones. The natives of these places have in a crude, desultory way taken out considerable quantities of silver, copper iron, and antimony. The ancient mineral of Alotepeque lies in a mountain of the same name, and was at one time operated very successfully, producing large quantities of silver, when a disastrous cave occurred in the mine, burying the underground works so effectually that the owners, having amassed comfortable fortunes, never attempted to reopen the works, and the mine has ever since remained abandoned, save what little work the Gambusinos have done in their loose mining style, culling out and robbing the ores from most accessible points of the old works for years afterward, then extracting considerable quantities of silver from the mine.

In the department of Escuintla, at a place known as the "Salts," there has been recently discovered a silver mine that gives satisfactory average assays in silver.

At Metascuintla, in the department of Santa Rosa, is located the Rosario silver mine. The mine is equipped with a good 10-stamp mill, with all the modern ore treatment and mining appliances of a well-appointed silver plant, and yields an output of from \$30,000 to \$35,000 worth of high-grade silver bullion per month, giving probably a net profit of over 100 per cent. on the capital invested. The veins are strong, well-defined in the primitive formation, and from the splendid reserves of high-grade ores now systematically opened up and in sight in the underground works assures the lucky owners a "bonanza" for years to come.

In the different mineral belts of the Republic without doubt there are

other such opportunities as the above lying around loose, awaiting only intelligent and practical methods to be put in operation. On reference to the old archives of the colonial days we find that between the dates of 1627 and 1820, 1,322 mines of gold, silver, lead, copper, iron, tin, and one of mercury were opened and worked, and were a source of great revenue.

* * * * *

The enlightened policy of the Government offers every reasonable encouragement to and throws every solid guaranty around this particular interest. There need be no misgivings on the part of the foreign miner as to the security and full enjoyment of his rights under the liberal laws enacted to protect the mining industry.

The mining operations, the character and availability of labor, the costs of freight, and all the other items that bear directly upon the value of mining properties must be closely studied and considered. The mining and reduction of ores in Guatemala, as in all new interior regions, are accompanied by conditions and difficulties that at first are rarely appreciated by foreign operators. When they are properly understood those difficulties can be satisfactorily overcome. They must learn the character of the native labor and the defective transportation service incident to all mountainous countries, how to convert the crude material and rude appliances at hand to the immediate wants of the situation, and also the importance of keeping a good mining stock ahead on hand.

In Guatemala, different in this respect from almost all of the other Spanish American Republics, there is no special mining code or ordinance. All the legislation relating to mines is to be found in Title XI of the so-called Fiscal Code (Código Fiscal), which consists of a series of articles beginning with the 440th and ending with the 566th. The text in full of this Title is as follows:

TITLE XI.—MINES.

Chapter 1.—Ownership of the Mines.

Art. 440. The ownership of mines of gold, silver, copper, platinum, quicksilver, lead, zinc, bismuth, cobalt, nickel, tin, antimony, arsenic, iron, manganese, molibdene, and precious stones, the working of which requires labor and operations which may be considered as mining industry, is vested exclusively in the Nation.

The Nation is also the owner of the salt mines, petroleum wells, coal mines, and deposits of all other fossil and combustible minerals to be found on public lands, even though the latter may subsequently become private property.

Salt and coal mines and fossil deposits to be found on lands of private persons may be freely worked by the owner of the land,

with no obligation other than to report their existence to the executive authority.

Art. 441. Precious stones or metals found loose upon the ground belong to the first occupant.

Art. 442. Quarries of building stone, or of stone used for ornamental purposes, deposits of sand, clay, slate, turf, loam or other substances applicable to construction, agriculture, or the arts, found in vacant lands of the Nation, or of the municipalities, may be worked in common by the people of the respective localities.

Nothing in this provision, however, shall be construed as abridging the right of the Nation or of the municipality to grant the right of working the said substances to private parties, under special regulations and conditions.

Art. 443. Auriferous sands, iron deposits, either transported or alluvial, and other minerals in river beds or placers, wherever found, may be freely taken advantage of without securing permits.

Should reduction works of a permanent character, for treating the auriferous sands and other substances referred to in this article, be proposed, the interested party may apply to have them constituted a mine-holding (*pertenencia minera*).

Art. 444. Tailings, slag heaps, and re-washings of abandoned mines are an integral part of the mine to which they belong; but so long as the latter does not become private property, the former may be freely worked in common.

Slag heaps and re-washings of old smelting establishments, abandoned by their owners, when found on grounds not fenced or walled in, shall also be free to all.

Art. 445. As soon as the existence of a mine is officially recognized the farm or estate within the limits of which it is found becomes subject to an easement, under which the owner shall be bound to allow the occupation of such a portion of his land as may be necessary for the proper working of the mine in the measure that the development of the work may require, and for constructing dwelling houses for the miners, furnaces, engines, roads, and everything necessary for the working of the mine. But the owner of the land is not bound to allow commercial or

industrial smelting or refining works to be established on his property.

This easement shall not become a practical fact except upon previous payment, not only of the value of the land occupied, but of all damages sustained either by the owner of the estate or by any other person affected thereby.

Art. 446. All open roads leading to a mine may be used by all other mines on the same territory; in which case the expense of maintenance shall be divided *pro rata* between them, according to the use made thereof.

Art. 447. But the estate on which the mine is found and the estates in its immediate neighborhood shall be subject, as long as they are not cultivated or inclosed, to the easement known as right of pasture, for the use and benefit of animals employed in working the mine.

All such works as may be required on such estate or estates for securing the necessary supply of water for working the mines must also be allowed by the owners; provided, however, that no injury is thereby occasioned either towns in the vicinity, agriculture, other establishments previously existing, or the navigation of rivers.

Previous indemnification shall be required in all the cases referred to in this article.

Art. 448. Mines are real property, distinct and separate from the real property represented by the land, even if both belong to the same person.

Art. 449. Mines, as real property, shall be governed by the provisions of the Civil Code, in so far as they are not in conflict with the Fiscal Code.

Art. 450. Notwithstanding the provisions of the preceding article, should the stock of a mine or a mining company be represented by bonds or certificates, the title thereto, and consequently to the stock itself, may be legally transferred by a simple endorsement.

Chapter II.—Exploration of Mines.

Art. 451. Persons prospecting for mines, referred to in sections 1 and 2 of article 440, shall have the right to make the proper investigations and explorations.



Banco Internacional, Guatemala City.

Art. 452. In order to conduct explorations on cultivated or enclosed lands it shall be necessary to obtain the permission of the owner or manager thereof.

Should permission be denied the *Alcalde* of the place shall have the power to grant it after a verbal hearing of the interested parties and of experts, should he deem it advisable, or be so requested by any of the parties.

Art. 453. The permit granted by the *Alcalde*, pursuant to the provisions of the preceding article, shall fix the number of persons to conduct the investigations, and shall be subject always to the following conditions:

1st. That the investigation be made when there is no growing crop on the land.

2d. That the exploration shall not exceed two months, reckoned from the date of the permit.

3d. That the explorer, should the owner of the land require it, give bond to make good all damages and injuries the exploration may occasion.

Art. 454. If, for good reasons shown, the exploration cannot be made during the time designated, the permit may be extended to some other proper time by decree of the competent authority.

Art. 455. Permission to conduct prospecting work inside of dwellings, or within fifty meters thereof, may only be granted by the owner.

Art. 456. *Calicatas*, or prospecting excavations, within fifty meters from a building or a railroad, or on lands whose grade is above or below a public road, cannot be made without special permission of the proper political chief, who shall grant the same if, in the opinion of experts, there be no objection, prescribing at the same time the precautionary measures the case may require.

To make such excavations within 1,000 meters from any fortified points permission must be granted by the Secretary of War.

Special permission from the local authorities must also be secured for making explorations within 100 meters from aqueducts, drinking pools or springs.

Violations of this article shall be punished by a fine of not less than 50 nor more than 500 *pesos*, independent of any indemnifications which may have to be paid.

Art. 457. Applicants shall pay the fees due to the experts who have reported on an application to conduct exploration work.

Chapter III.—Discovery of Mines.

Art. 458. Every discoverer, native or alien, of a new vein, deposit, pocket, or mineral-bearing locality, or any other class containing any of the substances or precious stones to which clause 1 of article 440 refers, shall be entitled to the concession thereof.

Art. 459. The finding of metallic substances is also considered a "discovery," even though the vein or locality containing them shows indications that one or several attempts have already been made to prospect them; provided, however, that none of these attempts have been the subject of a prior grant.

Art. 460. In case of two or more applicants claiming to be discoverers of the same vein or deposit the concession shall be granted to him who proves to have been the first in finding metal, even though others may have previously dug or prospected there.

In case of doubt the first applicant shall be considered the discoverer.

Art. 461. The discoverer of mines or lands where no other mine exists within a radius of five kilometers has the right to three holdings (*pertenencias*), whether continuous or not, in the principal vein, and one holding in each of the other veins included in his discovery.

The discoverer of a vein within a radius of five kilometers of a mine for which a concession has already been granted shall have the right to two holdings, continuous or not, in said vein.

Art. 462. All persons restoring old and abandoned mineral districts shall be considered discoverers, and may obtain the holdings referred to in clause 1 of the preceding article.

Art. 463. In no case other than those mentioned can the applicant be granted more than one holding (*pertenencia*). But an unlimited number of holdings may be acquired through legal transfer of title.

Art. 464. Mining companies are entitled to three holdings more than individual discoverers.

Chapter IV.—Holdings and Demarcations of Mines.

Art. 465. A mining claim or holding (*pertenencia*) consists of a body with a rectangular base, having an indefinite vertical depth, 400 meters long in a straight line in the direction of the vein, and 200 meters wide.

Art. 466. The length shall be measured by following the direction of the vein, starting from the cropping point designated by the miner, provided that the work referred to in article 503 be included within the claim or holding.

Art. 467. The width shall be measured on a perpendicular horizontal to the direction of the vein.

It may be distributed on either side of the vein as the miner may desire, but no more than ten meters against the *recuesto* or inclination of the vein shall be granted, should the abutting miners object.

Art. 468. In case of irregular lodes, or deposits, the holding shall be a right prism, having for its base a square 200 meters on each side.

Art. 469. In auriferous sands, and other substances mentioned in article 443, the holding shall consist of 10,000 square meters, and may be in the shape of either a rectangular parallelogram or a square, either in a series or a number of squares fitting together in the form requested by the miner, but without leaving any intervals or intervening space.

Art. 470. Claims or holdings shall be surveyed and marked by means of firm, lasting and visible monuments.

Art. 471. In order to proceed to the survey and demarcation of these holdings the abutting mine owners or managers must be cited to be present at the survey, should they be known and living in the vicinity of the mine.

If neither the owner nor manager of a neighboring mine is found at the place the citation shall be by proclamation for the period of fifteen days.

These proclamations shall be posted in the most public places, and be inserted in one newspaper, should there be any in the department.

Persons thus summoned shall have ten days in which to object if they have any reason therefor.

Art. 472. Priority in the denouncements gives preferent right to the survey and demarcation of a mine, in respect of the newest mines; but this preference shall be forfeited when no work has been done at the mine, even when not judicially declared to be an unworked mine.

Art. 473. Mine holdings applied for to explore a vein leading from another known mine should be marked, if possible, so as to leave no open space between the two mines.

Art. 474. Mine holdings must always be continuous.

Should the ground be insufficient for the staking off of a holding, because of the interposition of another claim or holding, the former shall be limited to the unclaimed ground up to the point of meeting, and the said measurement cannot be completed by jumping the intervening claim.

The provisions of this article shall not conflict with the right granted by article 481.

Art. 475. The topographical engineer, or experts, shall establish, whenever possible, the limits of the legal area with regard to the natural and perceptible objects of the ground, making a record of their position and distance.

Art. 476. When the demarcation of the limits is completed the engineer, or experts, shall make an exact minute setting forth clearly, and in detail, the way in which the work was done and the result thereof.

This minute shall be transmitted to the Executive for his approval should he find it full and legal.

Art. 477. The owner of a mine shall be bound to keep and preserve in good condition the monuments which mark the limits of his holding. He cannot alter or move them, under penalty of a fine of not less than 50 nor more than 500 *pesos*, without reference to criminal liability, should he have acted maliciously.

Art. 478. Should a monument be obliterated or destroyed by accident or fortuitous circumstances the miner should inform the proper *Alcalde*, in order that he may cause it to be replaced, summoning the vicinage.

Art. 479. The miner is the exclusive owner within his holding, not only of the vein or deposit he may have denounced, but also of all the other veins, cross-veins, and mineral substances there

existing or to be found; but he is forbidden to work them beyond the limits of his own property.

Art. 480. All trespassing on the holdings of others renders the trespasser liable to the payment of the value, as estimated by experts, of all ore he may have taken, independently of liability to prosecution for larceny if he acted with malice.

Art. 481. In case a new vein is found crossing the one already under work the miner shall have the right to work it beyond the limits of his own property if he can identify it, and demand, in conformity with the provisions of article 564, passage through the holding crossed, or the use he may have to make thereof.

Art. 482. Trespass cannot be charged where a mine has no holding properly marked and clearly defined until it is legally surveyed or the old land-marks are replaced.

Art. 483. Miners have the right to visit, either personally or through the engineer or mining expert by them named, the adjoining mines whenever they have reason to believe that a trespass upon their property has been or is about to be made, or when they apprehend some injury, such as a flood or the like, or when the visit may be necessary to obtain information important to their mining work.

When permission to make such a visit has been asked upon the ground of supposed trespass, or danger from flood, the engineer or expert shall have the right to survey the works adjoining the mine of the applicant.

Art. 484. The groundless refusal of a permit to make the visit or concealment of the work in which the trespass consists, or any difficulty or obstacle placed in the way of the inspection and examination of the ground, will raise a presumption of bad faith.

Art. 485. If, upon the proper inspection by the engineer or expert, or in any other way whatever, sufficient proof of the trespass is obtained, the local authorities shall have the power, at the request of the interested party, to order the temporary suspension of the trespassing work, and seals shall be affixed on the dividing line while the interested parties are settling their differences in the courts.

Art. 486. Miners who have gone in their subordinate work beyond the limits of their holdings shall have a preferred right to

extend the latter in the direction in which they began to an extent equal to that they may have run horizontally with such work from the starting point, provided the ground is sufficient or belongs to an abandoned or unworked mine. A denouncement of the new holding is, however, required.

Art. 487. Owners of mines between which unappropriated spaces exist have a preferred right to the same, and they cannot be granted to third parties unless the former have either not applied therefor or do not wish them.

The failure of the neighboring owners to make opposition to the granting of the said space to other parties shall be construed as sufficient relinquishment.

Art. 488. Owners of mines between which the said unappropriated spaces exist cannot add them to their holdings without previous concession by the competent authority, and the adjudication shall be made in such case among them all in proportion to their lines of contact.

Chapter V.—Holdings for Exploring a Known Mine.

Art. 489. As soon as the discovery of a mine is made the discoverer has the right to ask for the concession of a mining claim or holding for the purpose of exploring the said vein for ninety days in the direction he may indicate leading from the vein the discoverer may designate on the land of said holding.

Art. 490. If two or more persons make application for a grant of this kind in the same direction, preference shall be given to the one who first files his petition, and so on in regular order.

Art. 491. Should the person who makes the exploration under a grant of this kind succeed in discovering a deposit of ore, he shall meet the requirements of the law by complying in his application with the sixth and seventh conditions of article 496, being subject to the other conditions established regarding discoverers.

Art. 492. If no mineral deposit is found within the period of ninety days, mentioned in article 489, the grant shall lapse and the mining claim or holding may be granted to anyone who may apply for it.

Art. 493. If after well directed and sufficient efforts, within the ninety days aforesaid, the grantee of this kind of claim or holding shall have been unable to find a deposit because of its depth below the surface, or for any other reason not imputable to him, and he should apply for an extension of said time, it shall be granted after an investigation and report by an expert, with the proviso that the extension shall not exceed the original term.

Chapter VI.—Denouncement of Mines of Precious Metals and Stones.

Art. 494. Every application having for its object the denouncement or concession of mines of precious metals or stones must be filed in the office of the political chief of the department where the mine is located, or with the Secretary of the Treasury.

Art. 495. Whenever, owing to the great distance of the residence of the authorities mentioned in the foregoing article, or for any other like reason, they cannot be resorted to, the application may be presented to the nearest local authority.

The only object for such filing is that there be made upon the margin of the application the note referred to in article 499; the applicant being, nevertheless, bound to again appear before the proper officer within the term of ten days from the date of said annotation.

Art. 496. Every discoverer applying for the concession of the deposits by him discovered must set forth in his written application:

1. The place where located.
2. Whether the hill or land where the discovery is made has or has not been previously worked.
3. The character or kind of substance discovered, accompanied by a sample clearly showing the same.
4. The kind of vein or deposit discovered, the form of its location, and the direction, more or less, that it shows on the surface.
5. The number of holdings the applicant desires, and whether the land will admit of the same.
6. Whether the latter is public or waste land, or private property, setting forth, in the latter case, the name and residence of the owner.

7. The name to be given the mine and the names of neighboring mines, should there be any.

8. The place, day, month, and year of filing.

Art. 497. Applications filed by a partnership must be necessarily accompanied by the articles of co-partnership.

The case mentioned in article 495 arising, it will be sufficient to present the said articles within the term therein mentioned.

Art. 498. No officer is excusable for not allowing an application to follow the regular course because of a prior application on the same subject.

Art. 499. The officer before whom a denouncement of mines is filed, or his notary or secretary, shall at once note upon the margin thereof the hour, day, month, and year when the same was filed, furnishing a certificate of the same to the applicant should he request it.

Art. 500. The application once filed the applicant shall be notified to prove:

1. The existence of the deposit, and that the sample presented was taken therefrom.

2. That he has planted stakes or marks on the surface to distinguish the deposit applied for from any other.

3. Whether the hill or land where the discovery is situated will admit of the holding requested.

Art. 501. Should it appear from the proof adduced that the land does not afford suitable space for at least one legal holding, or that there is not to be found thereon the mineral substance occasioning the application, the latter will be rejected.

Art. 502. Should it appear from the proofs that the deposit and other conditions referred to in article 500 exist, the application will be granted without prejudice to third parties having prior rights; it shall be ordered to be published in the official newspaper, and by means of placards affixed in public places, in order that whoever may have a legal right to the mine applied for or denounced shall appear within forty days, and, furthermore, making a record of the application and all the proceedings in a book of denouncements to be kept for the purpose. The party interested shall be notified that within the said forty days he must commence the work referred to in the following article.



Union Hotel, Guatemala City.

Mr. U

Art. 503. The party interested must, within the forty days mentioned in the foregoing article, open up on the deposit denounced a pit or gallery of the depth and length necessary to learn the class of ore, its richness, direction, dip of the vein, and other circumstances characterizing the mine.

Within the same term the assay of the samples of ore shall be made in the mint or by experts.

Art. 504. Should the denouncer, after having executed the work mentioned in the foregoing article, or having been unable to execute the same owing to superior force, such as absolute lack of water or of workmen, excessive hardness of the ground, sinking, or other causes of like gravity, he may apply for an extension of forty more days, which shall be granted after inquiry.

Art. 505. At the expiration of the forty days mentioned in article 502, and no objection to the denouncement having been made, or, if made, having been declared unfounded, and no extension having been granted, the political chief, on petition of the party interested, shall forward the record of the proceedings to the Executive, in order that the survey and marking of the holding or holdings requested may be proceeded with.

The political chief shall accompany the record with a report of whatever he may deem proper to lay before the Executive.

Art. 506. Should the survey and marking not be requested within two months, reckoned from the expiration of the term of forty days, and the extension thereof, should it have been granted, the mine shall be denounceable before the concessionaire complies with said requirement.

Art. 507. There being no objection or opposition the Secretary of the Treasury shall appoint a topographical engineer or expert to proceed with the survey and demarcation of the holding or holdings applied for pursuant to the provisions of chapter IV of this Title.

Art. 508. The engineer or expert appointed to make surveys, reconnaissances, or other acts connected therewith, cannot be objected to; but the interested party may request that he be associated with another engineer whom he shall have the right to designate.

Art. 509. These operations once executed the Executive,

should he find them correct and legal, shall order the issue of the proper title deed, in which shall be inserted the metes and bounds of the mine.

Art. 510. Should any doubt arise regarding the survey the Executive shall hear the report of another engineer or expert.

Art. 511. The title deed to the mine once issued the survey cannot be impugned save for an engineering error appearing in the minute where it is recorded or through fraud or deceit.

Nevertheless, it may be corrected upon application of the owner at any time that new data may be produced to better determine the direction or dip of the vein, provided there be no prejudice to third parties.

Art. 512. It shall also be corrected on the application and at the expense of the miner who shall locate within the bounds and in the vicinity of the holding surveyed, and who shall allege that it exceeds the limits designated in the deed.

Art. 513. The same course shall be pursued in the correction as is established for the original demarcation and survey.

Art. 514. For each deed conveying title to a mine the grantee shall pay 100 *pesos* into the National Treasury in advance.

Art. 515. The record having been made the samples of ores and the results of the assays shall be transmitted to the mint, setting forth the locality where the ores were found.

The record shall be transmitted to the office of the Notary for the Treasury, in order that it may be transcribed in the book of mining grants which shall be kept for the purpose, and be deposited in the land archives in a separate section.

Art. 516. Should any opposition arise, alleging property rights in the mine denounced, the executive officer before whom the record may be pending, shall forward the same, in case the parties cannot agree, to the proper judge of the first instance.

Should the opposition allege a preferred right by reason of a prior denouncement of the mine, the proper department, after hearing the interested parties, shall determine who has the best right to the denouncement.

Art. 517. The opposition shall not cause suspension of the formation of the record, the marking of the holdings, and the digging of the pit, which shall be carried on by the party in tem-

porary possession, the only suspension being in the survey and final possession, until the conclusion of the suit as to the ownership of the mine.

Chapter VII.—Tunnels.

Art. 518. A miner desiring to work his mine by means of a tunnel, pits or shafts, may execute such works without previous permit within the limits of his holding, or beyond the same should he be on land not occupied by other mines.

Art. 519. If in executing such works he should have to begin them in the holding of another, or cross it therewith, in whole or in part, and could not reach an agreement with its owner, he shall ask permission of the proper political chief.

The political chief shall grant the permission if, in the judgment of an engineer or expert whom he shall appoint for the purpose, the following conditions shall appear:

1. That the work is possible and useful.
2. That the work cannot be executed in other directions without incurring excessively greater expense.
3. That the working of the mine which the tunnel crosses is not prevented or considerably impaired.

Art. 520. Each of the parties may also name an expert to act jointly with the one appointed by the political chief, to which end the latter shall previously notify them of the day on which the land is to be examined.

Art. 521. Should a disagreement arise between the engineers or experts an umpire shall be named.

Art. 522. Upon granting the permit the political chief shall designate the direction the tunnel or work should follow and the extreme limit to be allowed it in the holding of another, pursuant to the report of the engineer or expert; and the tunnel builder shall not vary from such direction or limit in the course of the work without a new permit previously obtained, which shall not be granted without expert report.

No new permit is necessary when the variation is accidental to avoid difficulties that may present themselves in the work.

Art. 523. Before commencing the tunnel or work the party undertaking it shall give a bond to indemnify the injuries that may be occasioned the mine he intends crossing.

Art. 524. The owner of the mine crossed shall respect the pit or gallery crossing it, shall not touch their supports, and shall abstain from taking out ore, when by so doing their walls shall be left with less than two meters of thickness, unless he strengthens the same fully. But the tunnel builder shall make good the damages he may occasion the mine owner by not complying with this obligation.

Art. 525. Should the tunnel builder encounter a vein in the holding of another he shall not work or exploit the same, but shall limit himself to carry his tunnel along the same and deliver the ore to the owner, deducting the expense of taking it out; but he may appropriate the veins he may encounter on vacant land by fulfilling the conditions imposed on discoverers.

The demarcation of the new holding, in such case, should be carried to the surface.

Art. 526. The tunnel builder attempting to carry his tunnel or work through abandoned or unworked mines may become the owner thereof by merely building the tunnel, provided he previously denounced the same.

Art. 527. In order that the mine or mines of the tunnel builder may be deemed protected by the building of the tunnel alone it is necessary:

1. That it be proven, through the report of the engineer or expert, that the tunnel or work done in its execution go in the direction thereof, and that the working of the mines by that means is possible and useful.

2. That in the course of the work the tunnel shall not deviate from the direction established, unless it be accidentally, as prescribed in article 522.

3. That the number of workmen be maintained and the other conditions laid down for retaining ownership of mines be observed in the work.

Art. 528. Owners of mines drained by the tunnel, or whose work is facilitated, shall pay to the *builder* of said tunnel, by expert appraisement, the value of the benefit received, or the cost that such benefits would occasion through other means.

This provision covers the case of drainage by means of pits.

Chapter VIII.—Concession of Salt and Anthracite Coal Mines.

Art. 529. Salt and anthracite coal mines, the ownership of which the Nation reserves pursuant to this Code, may be granted to private parties through lease or special contracts.

Art. 530. The lease of said mines shall be granted subject to the conditions following:

1. That the term of the lease shall not exceed ten years.
2. That upon the expiration of said term the lessee shall transfer to the Nation all the improvements he may have made.
3. That the lease shall be made to the highest bidder at the yearly rental to be determined by the report of experts.

Art. 531. Conditions being equal, the discoverer or denouncer shall have preference in the working of the mines by contract or lease.

Art. 532. Should the denouncer or discoverer not secure the working of the mine, he shall have the right to demand of the public Treasury a remuneration of not less than ten per cent. of the total product of the contract or lease.

Art. 533. The indemnity referred to in article 445 of this Title shall be furnished by the lessee or contractor.

Chapter IX.—Abandonment of Mines and Final Grant.

Art. 534. Any miner desiring to abandon his mine, after conveyance to him, shall advise the political chief of the proper department in writing, who shall order the publication of the abandonment in the same manner prescribed for the discovery.

Should there be any secured creditors of the mine, the miner shall inform them of the abandonment and transfer to them his rights, should the former require it.

The creditor holding the first mortgage shall be preferred in the transferring of the mine.

Art. 535. The abandoned mine may be granted to the first applying therefor without prejudice to the preference granted in the foregoing article to secured creditors.

Art. 536. A mine which has been unworked may also be considered as tacitly abandoned.

Art. 537. A mine is taken to be unworked (*despoblada*):

1. When work is suspended for more than two years.
2. When, after securing the grant, the safety work indispensable to prevent the mine from getting into a ruinous state shall not have been executed within the term of one year.

Art. 538. No charge that a mine is unworked shall be filed, even should this condition exist, when, prior to the application for denouncement, works legally protecting the title shall have been resumed in the mine.

Art. 539. The mine shall not be held as unworked when the suspension of work grows out of a superior force, such as absolute lack of laborers, war, famine, pestilence, or any other like cause.

Art. 540. In the matter of the second clause of article 537 the mine owner may retain his right thereto, provided he binds himself to repair or to open up the work within the term the authorities may designate.

Art. 541. Legal protection of the title consists in the employment of at least four laborers engaged in exploiting work.

Art. 542. A mine is not protected by works exclusively directed towards taking advantage of clearings, lands, dumps, or tailings.

Neither is a mine protected by the penetrating works of another neighboring mine.

Art. 543. The party alleging the abandonment of a mine shall apply in writing to the political chief of the department where the mine is located, or to the Department of the Treasury, setting forth the name of the mine, if it has any, the kind of ore it yields, the name of the last owner, should he know it, and the names of the abutting mines, should there be any.

Art. 544. The complaint once filed the owners or proprietors living at the mine, and those of the abutting mines, shall be cited personally to appear.

Should the owner or proprietor not be found at the place he shall be summoned, by proclamation posted for thirty days at the most frequented places, and inserting the same three times in the official newspaper, and in that of the department, should there be any.

Art. 545. If, at the expiration of the term of thirty days, no objection shall have been interposed, the complainant shall be notified to have cleared and opened up the work to which article 503 refers, within forty days, to the end that the conditions named in said article, as well as, if possible, the pits and different works of the mine, and their condition, together with that of the outside works, may be examined and inspected by an engineer or expert.

After the execution of these operations the political chief shall transmit to the Executive the record, in order that the abandoned mine may be granted to the complainant in conformity with the provisions of this Title.

Art. 546. The complainant who shall allow, without justifiable cause, two months to elapse without pressing the case, shall thereby lose the rights accruing to him. The said term should be reckoned from the last proceeding had.

Art. 547. The acquirer of an unworked mine shall be bound to deliver to the former owner, or after expert appraisement to pay him for the engines, tools, utensils, and other articles or works found in the mine, and which cannot be taken therefrom without detriment.

Chapter X.—Temporary Possession and Receiver of Mines.

Art. 548. Temporary possession shall be given by the judge taking cognizance of the adjudication of title to the party praying the same, and who, in his judgment, shall have the best right.

Art. 549. The party acquiring temporary possession of the mine is bound to maintain therein at least the work necessary to protect title, upon his own responsibility.

This responsibility is limited to the appraised value of the mine at the time it falls into disuse through the fault of the temporary holder.

Art. 550. The temporary holder cannot make any change in the bounds nor in the form in which the mine is laid out.

Art. 551. Should the temporary holder abandon the mine, possession will be given to the opposing party should he request it.

Art. 552. The temporary holder shall give bond, should the opposing party require it, to account for the products of the mine,

and keep a record of the same and of the expenses in order to present it at the proper time to the opposing party in case it is decided the latter has the best right.

Art. 553. Should the temporary holder refuse to furnish the bond referred to in the foregoing article the opposing party shall have the right to pray for the sequestration of the products, leaving to the former a monthly allowance, to be designated by the judge, proportionate to the expenses of the enterprise and the maintenance of the holder.

Art. 554. The opposing party has the right to ask, should he not reach an agreement with the holder, that a receiver be appointed to keep an account of the expenses and products of the mine in litigation.

Art. 555. The salary of the receiver shall be designated by the parties by agreement with the party named, or by the judge, in case of disagreement.

This salary shall be paid by the party asking for the appointment of the receiver.

Art. 556. The obligations of the receiver are:

1. To keep an accurate account of the products and expenses of the mine.
2. To look to the proper inversion of the funds.
3. To keep an inventory of all the instruments and tools of the mine.
4. To see that the holder of the mine shall not dispose of the products thereof without previous inspection and weighing.

Art. 557. The receiver shall not give orders in the preliminary work (*faenas*), nor contravene those the superintendent shall give.

Chapter XI.—Conditions for the Working of Mines.

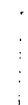
Art. 558. Mines shall be worked and exploited in accordance with the rules of the art and the provisions for safety and police of the regulations that may be made in the premises.

Art. 559. In order to make effective the provisions of the foregoing article mines shall be subject to the supervision of the executive authority, which shall determine their inspection in the manner and at the times it may deem proper.



San Rafael.

A Midway Station, between Guatemala City and La Antigua.



Art. 560. Every miner or exploiter shall place at the disposal of the engineer or experts appointed to visit the mine the necessary elements to inspect the works thereof.

He shall also, should the latter require it, exhibit his books, plans, pay rolls, and other data that may serve to furnish a full knowledge of the work.

Art. 561. Whenever it shall appear from the examination or inspection of a mine, made by the engineer or expert, that the lives of the workmen or the safety of the work may be jeopardized for any reason, the local authority shall dictate the measures leading to the removal of the cause of danger, temporarily suspending the work, should it be necessary.

Art. 562. The employment of women and children under twelve years of age, as laborers within the mines, is prohibited.

Art. 563. In case of a contravention of the provisions of the executive authority, or violation of the foregoing article, a fine of not less than ten nor more than one hundred *pesos* for the first offense, and of double the amount for subsequent offenses, shall be imposed.

Art. 564. Mines are bound to afford ventilation for those needing it, and to permit the underground passage of water from other mines in the direction of the general drainage system.

On the surface they shall also suffer the passage necessary for the work, and on the surface as well as below ground they shall afford all those services and easements which, without obstructing or impairing their working, inure to the benefit of other miners; all of which is understood to be dependent upon the prior payment of damages, to be levied by experts.

Chapter XII.—Various Provisions.

Art. 565. The present owners and denouncers of mines shall retain the rights they may have required pursuant to the laws that have been in force.

Art. 566. In partnership, preferred mortgage (*avíos*), and other contracts relating to the working of mines, the provisions of the Commercial, and, in default thereof, of the Civil Code, will be observed.

CHAPTER XII.

MANUFACTURING INDUSTRY.—PATENT LAWS.

For a new country like Guatemala industry is quite advanced, but in reality it is still in its infancy, and this is explained by the fact that all the efforts of the population are concentrated upon the cultivation of the soil. The principal industries are the weaving of *jerga* (a coarse woolen stuff), *kerseymere* and *la manta* (cotton cloth), the manufacture of a good quality of hats, shoes, silk and cotton scarfs, furniture, musical instruments, agricultural implements, etc.; but these local industries produce scarcely enough to supply the needs and consumption of the interior. Therefore, factories of every kind that would be established in Guatemala would meet with the most advantageous results, especially those for stuffs of all classes and other articles of first necessity. The Government encourages enterprises of such character, and offers every possible facility and franchise. Among the industries which it would be important to introduce in Guatemala can be specially mentioned the following; The propagation of the silk worm and the manufacture of silk stuffs in general; the extraction of resins, the distillation of medicinal and aromatic plants, etc.; the preparation of fruits, and the manufacture of oils for exportation; the working of gold, silver, lead, mercury, coal and other mines; the fabrication of *jarcia* (ropes, cordage, etc.), matches, paper, window glass, earthenware, porcelain, etc., of which there is a considerable consumption in the country as well as in the neighboring States of Central America, where these industries do not exist; and the felling and exportation of timber for buildings, furniture and flooring; also for dyewoods. None of these industries could fail to be very remunerative for those who would introduce them.

Patent Laws.

Article 20 of the Constitution says:

Industry is free. The author or inventor enjoys exclusive rights to his work for a period of fifteen years, while literary rights are perpetual.

The Executive has the power to grant privileges and extraordinary concessions for a term not exceeding ten years to those who establish or introduce new industries in the Republic.

The law relating to industrial discoveries and inventions is as follows:

Article 1. Every discovery or invention of whatever industrial nature gives the discoverer or inventor the exclusive privilege of profiting by his invention, or improvement, for the time and under the conditions provided for by this law.

Art. 2. Every Guatemalan, or foreigner living in Guatemala, who invents or improves a machine, instrument or mechanical apparatus, manufacture of any kind or method of procedure of useful application in the arts or sciences, can obtain from the Government a "Patent of Invention" or "Patent of Improvement" that secures to him, during a period of from five to fifteen years, the ownership of his invention or improvement.

Art. 3. To obtain this patent application must be made to the Minister of Commerce and Public Works, either personally or through lawful attorney, explaining the nature of the invention or improvement fully and clearly, and requesting the concession of the privilege.

Art. 4. If the patent is granted the patentee shall file within forty days an accurate drawing of the machine or mechanical appliance to which the patent refers, or a detailed description of the new process, if such be the case, accompanied by a sample of the article obtained through it, if such thing is possible and if the article is capable of being preserved. These drawings, explanations and samples shall be kept at the office called *Escribanía de Cámara*, the official being responsible for their safe keeping, and shall serve as evidence in case of dispute.

Art. 5. Patents may be granted in Guatemala to those persons who have obtained them in other countries, except when their

discovery or invention has become public property, if there is a convention to that effect between the nation from which the application proceeds and Guatemala. These patents shall cease at the same time as the foreign patents, unless this time shall be more than fifteen years, which period this privilege cannot exceed.

Art. 6. Every patent grant shall be recorded in a special book, which shall be kept at the proper ministry.

Art. 7. The patent shall contain a copy of the decree granting it, and shall cite the present law and explain the invention or improvement to which it refers and the time for which it has been granted; and it shall be sealed with the seal of the Ministry of Commerce.

Art. 8. The Executive does not declare, when granting a patent, that the patentee is really the inventor or author of the machine, improvement or process to which the patent refers, nor does it vouch for its efficacy or usefulness. It belongs to the parties interested in the business to prove the contrary before a court of law.

Art. 9. Every application for a patent shall be published four times in one month in the Official Gazette, and the patents granted shall be published at least twice in the same paper.

Art. 10. Patents shall be forfeited when the provisions, in addition to the case of article 4 of this law, have not been complied with, and also in the following cases:

1. When, in the opinion of a competent tribunal, they have been granted to the injury of third parties.

2. When a year has elapsed without the industry or improvement for which they were granted being put into practice.

3. When the industry or improvement to which the patent refers has been started but abandoned for more than one year.

4. When the products supplied are inferior to the samples on file, owing to adulterations made in the article.

Art. 11. Patents shall not be granted in the following cases:

1. When the invention or improvement is derogatory to previously vested rights, or contrary to public safety and order, or to morality and good customs.



Northern Railroad of Guatemala.

2. When the formalities prescribed by law have not been fulfilled.

Art. 12. The patent granted shall cover solely the process or manner of fabrication or production; not the products themselves, which may be manufactured according to other methods and sold.

Art. 13. Every person has the right of improving the inventions of others, but not of using the inventions themselves except with the consent of the owners; nor can the inventor make use of improvements and additions made by a subsequent inventor without the consent of the latter.

Art. 14. The grant of a patent entails the payment to the National Treasury of a tax of five to fifty dollars per year during the time of the concession, and the patentee must pay this tax annually in advance.

Art. 15. When the time of the patent has expired the specifications shall be published, copies of the drawings and models shall be given to whoever may ask for them, at his expense; and from that moment the use of the process or invention shall be free to all.

Art. 16. Infringements of patents shall be punished according to the provisions of the penal code.

Art. 17. The Executive shall have the power to grant concessions or favors to useful enterprises which may be established in the country, or to persons who propose to establish new industries or to improve those already existing.

Art. 18. These concessions or favors shall consist either in an absolute exemption from duties on the importation of machinery, or raw material, to be used by the favored enterprise, or a reduction of the same duties, the gratuitous use of some building or tract of land belonging to the Nation, exemption from military service to the laborers and persons engaged in that business, and subsidies and premiums in money.

When the favor consists in either absolute exemption from import duties, or reduction of the same, the directors or managers of the favored business shall have to set forth in their applications to the respective custom houses for the admission of the machinery or goods sent them:

1. That the favor was really granted to them by the Government.

2. That the amount of goods or merchandise, where admission is requested, is not in excess of the necessities of the enterprise.

The name of the ship, and the number and marks of the bundles or packages containing the goods must also be stated.

The application must be accompanied by a statement showing the amount of merchandise of the same kind retained in store from former importations.

The officers in charge of the despatch of the merchandise thus favored shall take the necessary precautions to avoid fraud, and if any discrepancy occurs between the statements of the petition and the actual facts the delivery of the goods shall be withheld.

If the enterprise which has been favored with exemption from import duties should cease to exist, either through forfeiture of its concession or for any other cause whatever, the managers or directors of the same shall be bound to file with the respective custom houses a copy of the formal inventory of all articles of merchandise belonging to the enterprise which may be then in existence; and if these articles are destined to be used or consumed by third parties the said directors or managers shall be bound to pay such import duties as may be chargeable upon them under the tariff laws.

Art. 19. Persons desiring to obtain a concession for the establishment of an enterprise of public utility, or for the introduction or improvement of any new business or industry, shall file an application to that effect before the Secretary of *Fomento*, setting forth with all clearness the facts and circumstances of the case.

The Secretary, after hearing the opinion of two or more experts, shall refer the application to the Council of State. If the report of this body is favorable the concession shall be granted, subject, however, to the approval of the Legislative Assembly, before which the matter shall be laid on the next ordinary session. The grantee can at once commence to enjoy the privileges thus granted him; on condition, however, that he shall make no claim for damages or indemnification of any kind if the Assembly refuses to approve the concession.

Every application for a concession shall be published four

times during one month in the Official Gazette, previous to its being submitted to the consideration of the Council of State, so as to give an opportunity to all those whose rights may be affected to appear before the Secretary.

Art. 20. No special concessions shall be granted for the introduction of machines for domestic use, or other objects of ordinary commerce.

Art. 21. The concessions granted to an enterprise shall be forfeited if it is discovered that the grantee uses for commercial purposes the materials or articles imported by him.

Art. 22. In the case provided for by the preceding article, in addition to the forfeiture of the concession, the grantee shall pay the duties corresponding to all the importations previously made, and forty per cent. additional.

Art. 23. Concessions shall also be forfeited in the following cases:

1. When the time within which the grantee was obliged to introduce the industry or improvement, or to commence the works to carry the same into practice, has passed in vain.

2. When the business, after being established, is abandoned for more than one year.

Art. 24. All laws and provisions in conflict with the present law are repealed.

Under a law passed on April 27, 1896, exemption from all taxes, whether fiscal or municipal, was granted for ten years, to be counted from that date, to all factories, mills, or industrial establishments engaged in the Republic in the manufacture of cables, ropes or fabrics of *pita*, hemp, *henequen*, flax, ramié and cotton, and the machinery to be used for that purpose introduced into the Republic shall be admitted free.

THE MONTHLY BULLETIN
ISSUED BY
THE BUREAU OF THE AMERICAN REPUBLICS.



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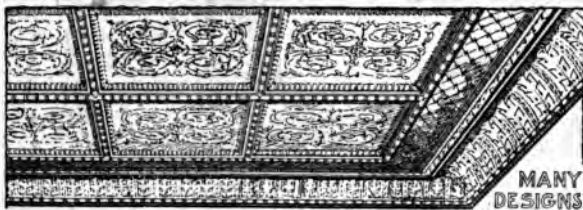
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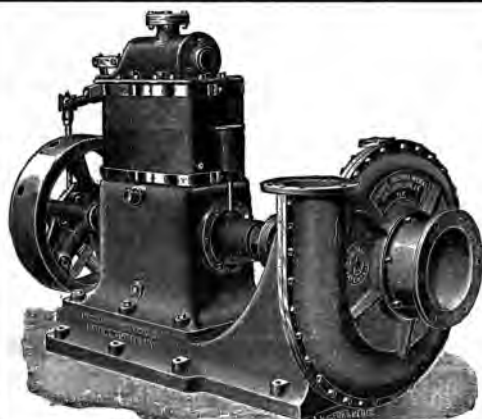
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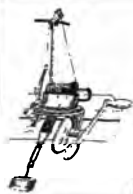
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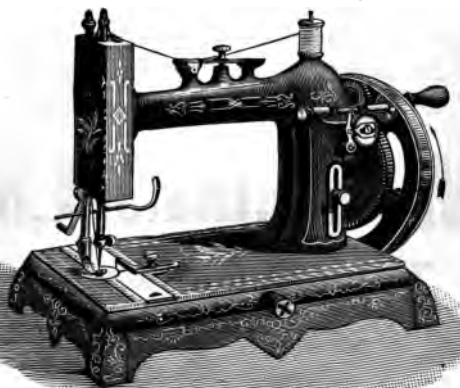
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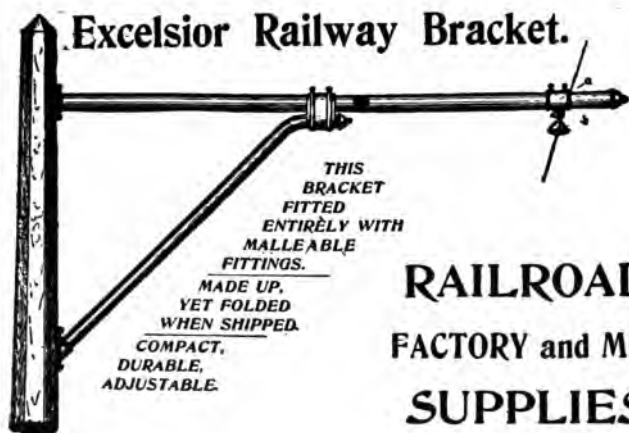
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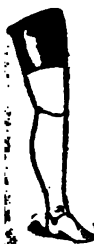
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